

**SEVENTY-FIRST DAY**  
(Tuesday, May 23, 1989)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senator Zaffirini offered the invocation as follows:

Our Gracious Heavenly Father, we lift up our voices in praise and give You thanks for the most wonderful blessing You continue to provide for all Your children.

As we deliberate today in this body, let us be mindful of our responsibility to let Your will work through us so that all our decisions will reflect a compassionate heart, a willing spirit, and a love of all people whose lives we will affect.

We ask also that all divisions will be healed, all differences will be resolved and that all bitterness will be replaced with a willingness to achieve the common goals of increased welfare, safety and prosperity for all Texans.

Finally, we ask that Your Holy Spirit be among us today and work through us so that in all things we will glorify You.

We ask these things in Your most precious Son's name, Jesus Christ. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

H.C.R. 68	H.B. 596	H.B. 1684	S.B. 149
H.C.R. 119	H.B. 600	H.B. 1752	S.B. 351
H.C.R. 201	H.B. 606	H.B. 1840	S.B. 432
H.C.R. 283	H.B. 684	H.B. 1852	S.B. 594
H.B. 25	H.B. 781	H.B. 1885	S.B. 626
H.B. 155	H.B. 841	H.B. 1910	S.B. 690
H.B. 216	H.B. 1073	H.B. 2040	S.B. 693
H.B. 306	H.B. 1094	H.B. 2058	S.B. 800
H.B. 333	H.B. 1159	H.B. 2306	S.B. 889
H.B. 428	H.B. 1224	H.B. 2528	S.B. 1060
H.B. 462	H.B. 1347	H.B. 2597	S.B. 1241
H.B. 468	H.B. 1416	H.B. 2601	S.B. 1307
H.B. 509	H.B. 1439	H.B. 2626	S.B. 1400
H.B. 549	H.B. 1442	H.B. 2681	S.B. 1510
H.B. 558	H.B. 1469	H.B. 2963	S.B. 1518
H.B. 568	H.B. 1522	S.C.R. 54	S.B. 1528
		S.B. 52	S.B. 1750

MESSAGE FROM THE HOUSE

House Chamber  
May 23, 1989

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 565**, Relating to the appointment, removal and qualifications of commissioners of a housing authority.

**H.B. 635**, Relating to the child support service fee in Brazoria, Fort Bend, Matagorda and Wharton counties.

**H.B. 721**, Relating to the purchase or maintenance of insurance or another arrangement by a nonprofit corporation.

**H.B. 1060**, Relating to the imposition of fees on conviction of certain offenses for the purpose of establishing the Texas Department of Corrections construction, operations and maintenance account.

**H.B. 1184**, Relating to the offense of burglary of a habitation.

**H.B. 1217**, Relating to the safety requirements for electric utility lines.

**H.B. 1511**, Relating to offenses involving indecency and sexual assault with victims under the age of 17 years.

**H.B. 1687**, Relating to the designation and possession of certain wildlife as pets; providing a penalty.

**H.B. 1786**, Relating to the adoption of impact fees.

**H.B. 1846**, Relating to the punishments for offenses involving prohibited weapons.

**H.B. 1884**, Relating to requiring a property tax notice of appraised value of real property to list separately the value of land and improvements.

**H.B. 1922**, Relating to financial assurances required of certain injection well permittees and declaring an emergency.

**H.B. 2181**, Relating to public school textbooks.

**H.B. 2434**, Relating to the creation of criminal penalties for certain offenses concerning human burials and to the jurisdiction over and disposition of certain human burials and associated human remains or burial objects.

**H.B. 2600**, Relating to the regulation of massage therapists, massage therapy, schools, instructors and massage establishments; providing penalties.

**H.B. 2912**, Relating to the authorization of eligible cities and counties to acquire, construct and improve permanent improvements for use by institutions of higher education; authorizing the donation of permanent improvements to institutions of higher education; authorizing the issuance of bonds and other obligations to finance the acquisition, construction and improvement of permanent improvements.

**H.B. 3043**, Relating to the operation of vehicles on highways.

**H.B. 3201**, Relating to the punishment for the offense of terroristic threat committed to prevent a person from reporting a crime.

**H.B. 3206**, Relating to the conversion of the El Paso County Lower Valley Water District Authority to a municipal utility district.

**H.B. 3207**, Relating to the exclusion of certain territory from Water Improvement District No. 4, City of Fabens, El Paso County, Texas.

The House has concurred in Senate amendments to **H.B. 1421** by a record vote of 139 yeas, 0 nays, and 1 present-not voting.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### HOUSE BILL ON FIRST READING

The following bill received from the House was read the first time and referred to the Committee indicated:

**H.B. 2820**, To Committee on State Affairs.

#### REPORTS OF STANDING COMMITTEES

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

**H.B. 3136**  
**H.B. 3133**  
**H.B. 3116**  
**H.B. 3100**  
**H.B. 3099**  
**H.B. 3080**  
**H.B. 3060**  
**H.B. 3078**  
**H.B. 3079**  
**H.B. 2885**  
**H.B. 2819**  
**H.B. 2756**  
**H.B. 2514**  
**H.B. 2119**  
**H.B. 1865**  
**H.B. 2082**  
**H.B. 1808**  
**H.B. 1567**  
**H.B. 953**  
**S.B. 1831**  
**H.B. 2970** (Amended)  
**C.S.S.B. 1331**  
**C.S.S.B. 1812**  
**C.S.H.B. 504**

Senator Harris submitted the following report for the Committee on Economic Development:

**H.B. 1960**  
**H.B. 141**  
**S.C.R. 148**  
**H.B. 1519**

Senator McFarland submitted the following report for the Committee on Criminal Justice:

H.B. 9  
H.B. 1556  
H.B. 1293  
H.B. 2312 (Amended)  
H.B. 1838  
H.B. 1879  
H.B. 507  
C.S.H.B. 5  
C.S.H.B. 2706  
C.S.H.B. 198

Senator Glasgow submitted the following report for the Committee on Jurisprudence:

H.B. 3148  
H.B. 2896  
H.B. 1868  
H.B. 2104  
H.B. 808  
H.B. 2340  
H.B. 2098  
H.B. 1505  
H.B. 2240  
H.B. 2520  
H.B. 2212  
C.S.H.B. 879  
C.S.H.B. 2126  
C.S.H.B. 1174

**CO-AUTHORS OF SENATE BILL 1379**

On motion of Senator Parmer and by unanimous consent, Senators Harris, Montford and Zaffirini will be shown as Co-authors of S.B. 1379.

**CONFERENCE COMMITTEE REPORT  
SENATE BILL 954**

Senator Bivins submitted the following Conference Committee Report:

Austin, Texas  
May 22, 1989

Honorable William P. Hobby  
President of the Senate

Honorable Gibson D. "Gib" Lewis  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 954 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BIVINS  
URIBE

SMITHEE  
WATERFIELD

BROOKS  
TEJEDA  
EDWARDS

On the part of the Senate

CHISUM  
LANEY

On the part of the House

**A BILL TO BE ENTITLED  
AN ACT**

relating to the composition, operation, and dissolution of the Deaf Smith County Hospital District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsections (a), (b), and (c), Section 4, Chapter 59, Acts of the 62nd Legislature, Regular Session, 1971, are amended to read as follows:

(a) ~~The district is governed by a board of seven directors elected from the district at large. [Within 10 days after such election is held, or as soon thereafter as possible, the commissioners court in such county shall convene and canvass the returns of the election, and in the event such election results favorably to the proposition specified in Section 3, the commissioners court shall so find and declare the hospital district established and created and appoint six persons as directors of the hospital district to serve until the first Saturday in April following the creation and establishment of the district, at which time six directors shall be appointed by the said commissioners court, who shall also designate the length of term for each appointee. Three of the directors then appointed shall serve for two years; the other three directors shall serve for one year. Thereafter, each director shall serve for a period of two years and until his successor has been duly appointed and has qualified. Vacancies in office shall be filled for the unexpired term by the commissioners court.]~~

(b) ~~The directors serve staggered two-year terms. An [After the district has been established (as the result of the election for which provision is made in Section 3) and the initial directors have been duly appointed and have qualified, the method for thereafter selecting directors may be changed by following the provisions of this subsection. A petition asking that directors of the district thereafter be elected may be presented to the Commissioners Court of Deaf Smith County. If such petition is executed by at least 250 qualified electors of the district who own taxable property therein which has been duly rendered for taxation on the tax rolls of the district as of the date of the presentation to the court of such petition, it shall be the duty of the Commissioners Court of Deaf Smith County to order an election on the question of whether the directors of the district shall thereafter be elected. Such election shall be called within 90 days after the presentation of a proper petition and notice thereof, given as provided in Article 704, Revised Civil Statutes of Texas, 1925, as amended, and such election shall be conducted in accordance with the general laws of Texas pertaining to general elections, except as modified by the provisions of this Act. The order calling the election shall specify the date, place or places of holding the election, the presiding judge and alternate judge for each voting place, and shall provide for clerks as in a county election. The ballots shall be prepared to allow voting for or against the proposition: "Providing the office of director of the Deaf Smith County Hospital District shall hereafter be an elective office." If a majority of the voters participating in the election shall vote in favor of such proposition, each director then in office shall continue to serve the term for which appointed, but successors in office shall be elected for terms of two years. No more than one such election for the purpose of voting on the aforesaid proposition shall be held within any three-year period.~~

~~[If such proposition is sustained by a majority vote, a regular] election for the appropriate number of directors shall be held on the first Saturday in May [April] of each year [and shall be ordered by the board. Such order shall state the time, place, and purpose of the election, and the board shall appoint the presiding judge,~~

who shall appoint an assistant judge and such clerks as may be required, and such election shall be ordered at least 15 days prior to the date on which it is to be held]. Any person desiring his name to be printed on the ballot as a candidate for director shall file a petition signed by not less than 25 [50] qualified voters, asking that such name be printed on the ballot, with the secretary of the board of directors of the district. Such petition shall be filed with the secretary at least 30 [25] days prior to the date of election. Notice of such election shall be published one time in a newspaper of general circulation in the area of the district at least 35 [five] days before the election. A vacancy [The term of office of each elected director shall be two years. All vacancies] in the office of director shall thereafter be filled by a majority vote of the remaining directors, and such appointees shall hold office for the unexpired term for which they were appointed.

(c) No person shall serve as a member of the board of directors unless he is a resident of the district[~~a freeholder~~], and a qualified voter. Neither the administrator nor an employee of the district shall be eligible to serve as a director. Each member of the board of directors shall execute the constitutional oath of office.

SECTION 2. Sections 5 and 7, Chapter 59, Acts of the 62nd Legislature, Regular Session, 1971, are amended to read as follows:

Sec. 5. The board of directors shall manage, control, and administer the hospital system, including medical and other health care facilities, and all funds and resources of the district, but in no event shall any operating, depreciation, or building fund reserves be invested in any funds or securities other than those specified in Articles 836 and 837, Revised [Civilt] Statutes [of Texas, 1925, as amended]. The board is given full authority to establish rules and regulations relating to seniority of employees of the district, including a retirement plan based thereon, and may give effect to previous years of service for those employees who have been continuously employed in the operation or management of the hospital, medical, and other health care facilities acquired, including those acquired upon the creation thereof by reason of Section 2 of this Act, or constructed by the district. The district, through its board of directors, shall have the power and authority to sue and be sued, and shall be entitled to all causes of action and defenses enjoyed by similar authorities who perform only governmental functions, to promulgate rules and regulations governing the operation of the hospital, hospital system, including medical and other health care facilities, its staff, and its employees. The board of directors shall appoint a qualified person to be known as the administrator or manager of the hospital district and may in its discretion appoint an assistant to the administrator or manager. Such administrator or manager and assistant administrator or manager, if any, shall serve at the will of the board and shall receive such compensation as may be fixed by the board. The administrator or manager shall, upon assuming his duties, execute a bond payable to the hospital district in an amount to be set by the board of directors, in no event less than \$5,000, conditioned that he shall perform the duties required of him, and containing such other conditions as the board may require. The administrator or manager shall supervise all the work and activities of the district and shall have general direction of the affairs of the district, subject to the limitations as may be prescribed by the board. The board of directors shall have the authority to appoint to the staff such doctors as it may be deemed necessary for the efficient operation of the district, and may provide for temporary appointments to the staff if warranted by circumstances. The board may delegate to the administrator or manager the authority to employ technicians, nurses, and employees of the district. Such board shall be authorized to contract with any other political subdivision or governmental agency whereby the district will provide investigatory or other services as to the hospital, or welfare needs of the inhabitants of the district and shall be authorized to contract with any county or incorporated municipality located outside its boundaries for the

hospitalization of the sick, diseased, or injured persons of any such county or municipality, and shall have the authority to contract with the State of Texas or agencies of the federal government for the hospitalization of sick, diseased, or injured persons.

Sec. 7. The board of directors shall have the power and authority to issue and sell its bonds in the name and upon the faith and credit of such hospital district for the purchase, construction, acquisition, repair, or renovation of buildings and improvements and equipping the same for hospital, medical, or health care purposes, and for any or all of such purposes. At the time of the issuance of any bonds by the district a tax shall be levied by the board sufficient to create an interest and sinking fund to pay the interest on and principal of said bonds as same mature, providing such tax together with any other taxes levied for said district shall not exceed the rate of tax voted under the provisions of Section 3 of this Act. Except as provided in Section 8, no bonds shall be issued by such hospital district until authorized by a majority of the qualified electors of the district ~~[who own taxable property therein and who have duly rendered the same for taxation]~~ voting at an election called for such purpose. The order for bond election shall specify the date of the election, the amount of bonds to be authorized, the maximum maturity thereof, the maximum rate of interest they are to bear, the place or places where the election shall be held, the presiding judge and alternate judge for each voting place and provide for clerks as in county elections. Notice of any bond election shall be given as provided in Article 704, Revised ~~[Civil]~~ Statutes ~~[of Texas, 1925, as amended]~~, and shall be conducted in accordance with the Election Code ~~[general laws of Texas pertaining to general elections]~~, except as modified by the provisions of this Act.

SECTION 3. Subsection (b), Section 8, Chapter 59, Acts of the 62nd Legislature, Regular Session, 1971, is amended to read as follows:

(b) In addition to the power to issue bonds payable from taxes levied by the district, as contemplated by the preceding section, the board of directors is further authorized to issue and to refund any previously issued revenue bonds for purchasing, constructing, acquiring, repairing, equipping, or renovating buildings and improvements for hospital, medical, or health care purposes, and for acquiring sites therefor, such bonds to be payable from and secured by a pledge of all or any part of the revenues of the district to be derived from the operation of its hospital or medical or health care facilities ~~[or hospitals]~~, and such bonds may be additionally secured by a mortgage or deed of trust lien on any part or all of its properties. Such bonds shall be issued in the manner and in accordance with the procedures and requirements specified for the issuance of revenue bonds by county hospital authorities in Sections 8, 10, 11, 12 and 13, County Hospital Authority Act ~~[Chapter 122, Acts of the 58th Legislature, 1963]~~ (Article 4494r, Vernon's Texas Civil Statutes).

SECTION 4. Sections 9, 10, 12, 18, and 19, Chapter 59, Acts of the 62nd Legislature, Regular Session, 1971, are amended to read as follows:

Sec. 9. The board of directors is hereby given complete discretion as to the type of buildings, both as to number and location, required to establish and maintain an adequate hospital system, including medical or other health care facilities. The hospital system may include facilities for domiciliary care of the sick, wounded, and injured, facilities for outpatient clinic or clinics, offices for physicians, dispensaries, facilities for geriatric domiciliary care, convalescent home facilities, necessary nurses' domiciliaries and training centers, blood banks, and research centers or laboratories, and any other facilities deemed necessary for hospital care by the directors. The district may operate or provide for the operation of a mobile emergency medical service. The district may operate or provide for the operation of home health services, long-term care, skilled nursing care, intermediate nursing

care, or hospice care. The district, through its board of directors, is further authorized to enter into an operating or management contract with regard to its facilities or a part thereof, or may lease all or part of its buildings and facilities for hospital, medical, or health care purposes upon terms and conditions considered to be to the best interest of its inhabitants, provided that in no event shall any lease be for a period in excess of 25 years from the date entered. The district shall be empowered to sell or otherwise dispose of any property or equipment of any nature upon terms and conditions found by the board to be in the best interest of its inhabitants, provided, however, that in no event shall the board be authorized to sell or dispose of any real property unless the board affirmatively finds that the same is not needed for the operation of the hospital system, including its medical or other health care facilities.

Sec. 10. The board of directors of such district shall have the power to prescribe the method and manner of making purchases and expenditures by and for such hospital district, and shall also be authorized to prescribe all accounting and control procedures. All contracts for construction or purchases involving the expenditure of more than \$15,000 [~~\$2,000~~] may be made only after competitive bidding as [advertising in the manner] provided by Subchapter B, Chapter 271, Local Government Code [Chapter 163, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 2368a, Vernon's Texas Civil Statutes)]. The provisions of Article 5160, Revised [Civil] Statutes [~~of Texas, 1925, as amended~~], relating to performance and payment bonds, shall apply to construction contracts let by the district. The district may acquire equipment for use in its hospital system, including medical and health care facilities, and mortgage or pledge the property so acquired as security for the payment of the purchase price, but any such contract shall provide for the entire obligation of the district to be retired within five years from the date of the contract. The district may lease equipment for use in its hospital system, including medical and health care facilities. The lease must provide that the entire obligation of the district will be retired not later than the end of the fifth year after the date on which the equipment is leased. Except as permitted in the preceding sentence and as permitted by Sections 7 and 8 of this Act, the district may incur no obligation payable from any revenues of the district, taxes or otherwise, except those on hand or to be on hand within the then current and following fiscal year of the district.

Sec. 12. The board of directors shall annually levy a tax of not to exceed the amount hereinabove permitted for the purpose of (1) paying the interest on and creating a sinking fund for bonds and other obligations which may be issued or assumed by the hospital district for hospital purposes as herein provided; (2) providing for the operation and maintenance of the hospital district and hospital system, including medical or other health care facilities; and (3) making further improvements and additions to the hospital system, including medical and other health care facilities, and the acquisition of necessary sites therefor by purchase, lease or condemnation. In setting such tax rate the board shall take into consideration the income of the district from sources other than taxation. Upon determination of the amount of tax required to be levied, the board shall make such levy and certify the same to the tax assessor-collector of said district.

Sec. 18. The board of directors of the hospital district is authorized on behalf of such district to accept donations, gifts, and endowments, in addition to those heretofore made to Deaf Smith County for hospital, medical, and health care purposes, to be held in trust and administered by the board of directors for such purposes and under such directions, limitations, and provisions as may be prescribed in writing by the donor not inconsistent with proper management and objective of the hospital district.



Sec. 19. After creation of the hospital district, no municipality or political subdivision within the boundaries of the district shall have the power to levy taxes or issue bonds or other obligations for hospital, medical, or health care purposes or for providing medical care. The said hospital district shall assume full responsibility for providing hospital care for the indigents residing within the district. When the district is created and established, the county and all towns and cities located therein shall convey and transfer to the district title to all lands, buildings, improvements and equipment in anywise pertaining to a hospital or hospital system which may be jointly or separately owned by the county or any city or town within said district. Operating funds and reserves for operating expenses which are on hand and funds which have been budgeted for hospital purposes by the county or any city or town therein for the remainder of the fiscal year in which the district is established shall likewise be transferred to said district, as shall taxes theretofore levied for hospital purposes for the current year and all sinking funds established for payment of indebtedness assumed by the district.

SECTION 5. Chapter 59, Acts of the 62nd Legislature, Regular Session, 1971, is amended by adding Sections 5A and 19A to read as follows:

Sec. 5A. (a) The district may spend district funds to recruit physicians, nurses, or other trained medical personnel.

(b) The district may enter into contracts with a full-time medical or nursing student who is enrolled and in good standing in an accredited school, college, or university. The district may agree to pay the student's tuition or other costs or expenses in consideration of the student's contractual agreement to render services to the district or to serve as an employee of the district on terms prescribed by the contract.

(c) The board may spend district funds for continuing education and retraining of employees.

Sec. 19A. (a) The district may be dissolved as provided by this section.

(b) The board of directors may order an election on the question of dissolving the district and transferring the district's assets and obligations to Deaf Smith County. The board shall order an election if the board receives a petition requesting an election that is signed by at least 50 registered voters in the district.

(c) The election shall be held not later than the 60th day after the date on which the election is ordered. Subsection (a), Section 41.001, Election Code, does not apply to an election ordered under this section.

(d) The ballot for the election shall be printed to permit voting for or against the proposition: "The dissolution of the Deaf Smith County Hospital District and the transfer of the existing district assets to and the assumption of debts and bond obligations by Deaf Smith County." The election shall be held in accordance with the applicable provisions of the Election Code.

(e) If a majority of the votes in the election favor dissolution and transfer of the district's assets and obligations, the board shall find that the district is dissolved and shall transfer the district's assets and obligations to Deaf Smith County as prescribed by Subsection (f) of this section. If a majority of the votes in the election do not favor dissolution and transfer of the district's assets and obligations, the board shall continue to administer the district and may not order an election on the question of dissolution before the first anniversary of the date of the most recent election at which voters disapproved the proposition.

(f) If a majority of the votes in the election favor dissolution and transfer of the district's assets and obligations, the board shall transfer to Deaf Smith County the land, buildings, improvements, equipment, and other assets that belong to the district. At the time of the transfer Deaf Smith County assumes all debts and obligations of the district.

SECTION 6. Section 22, Chapter 59, Acts of the 62nd Legislature, Regular Session, 1971, is repealed.

SECTION 7. The board of directors of the Deaf Smith County Hospital District by majority vote shall appoint a person to serve as the seventh member of the board. The person shall serve as a director until a successor director is elected at the regular directors' election held on May 5, 1990. The successor director serves a two-year term.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### SENATE BILL 1363 WITH HOUSE AMENDMENT

Senator Haley called S.B. 1363 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

#### Committee Amendment - Stiles

Amend S.B. 1363 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 352.002, Tax Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The commissioners courts of the following counties by the adoption of an order or resolution may impose a tax on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays for the use or possession or for the right to the use or possession of a room that is in a hotel, costs \$2 or more each day, and is ordinarily used for sleeping:

(1) a county that has a population of two million or more;

(2) a county that has a population of 90,000 or more, borders on the Republic of Mexico, and does not have three or more cities that each have a population of more than 17,500; ~~and~~

(3) a county in which there is no municipality; and

(4) a county in which there is located an Indian reservation under the jurisdiction of the United States government.

(d) The tax imposed by a county authorized by Subsection (a)(4) to impose the tax does not apply to a hotel located in a municipality that imposes a tax under Chapter 351 applicable to the hotel.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Haley moved to concur in the House amendment to S.B. 1363.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SENATE CONCURRENT RESOLUTION 49  
WITH HOUSE AMENDMENT**

Senator Zaffirini called S.C.R. 49 from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

**Committee Amendment - Rangel**

Amend S.C.R. 49 by striking all and substituting in lieu thereof the following:

**SENATE CONCURRENT RESOLUTION**

WHEREAS, Our state's system of higher education is essential to our economic and social progress; and

WHEREAS, Providing citizens with the necessary tools to achieve their fullest potential as successful and productive citizens, higher education also promotes cultural development; and

WHEREAS, With the tremendous growth of the maquiladora industry along the border, it is vital to have higher education facilities available in South Texas; and

WHEREAS, The Joint Select Committee on Higher Education in South Texas unanimously recommended that Laredo State University be converted to a four-year coeducational institution for higher education by the year 1998; and

WHEREAS, The Select Committee on Higher Education in Webb County has unanimously adopted a resolution calling for a four-year university for Webb County; now, therefore, be it

RESOLVED, That the 71st Legislature of the State of Texas hereby request the lieutenant governor and speaker of the house pursuant to H.C.R. 142 (71st Leg., R.S., 1989), to establish a special joint committee composed of a special subcommittee of the Senate Education Committee and of a special subcommittee of the House Higher Education Committee; and, be it further

RESOLVED, That the special joint committee be directed to develop a timetable and recommendation for the development and establishment of a four-year college at Laredo State University by the year 1998; and, be it further

RESOLVED, That the committee be directed to determine a course for leveraging the maximum federal financial support for development of a graduate school of international trade at Laredo State University.

The amendment was read.

On motion of Senator Zaffirini and by unanimous consent, the Senate concurred in the House amendment to S.C.R. 49 viva voce vote.

**HOUSE BILL 2169 REREFERRED**

On motion of Senator Brooks and by unanimous consent, H.B. 2169 was withdrawn from the Committee on Finance and rereferred to the Committee on Health and Human Services.

**GUEST PRESENTED**

Senator Henderson was recognized and presented Dr. Robert M. Battle of Houston.

The Senate welcomed Dr. Battle, a participant in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, and expressed appreciation for his contributions today.

**HOUSE BILL 2853 ON THIRD READING**

Senator Dickson moved that the regular order of business be suspended and that **H.B. 2853** be placed on its third reading and final passage.

**H.B. 2853**, Relating to the establishment of Central Texas University as a four-year coeducational institution of higher education; granting the power of eminent domain.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Bivins, Caperton, Krier, Ratliff.

Absent: Parker.

The bill was read third time.

**VOTE ON PASSAGE TO THIRD READING OF  
HOUSE BILL 2853 RECONSIDERED**

On motion of Senator Dickson, the vote by which **H.B. 2853** was passed to third reading was reconsidered by the following vote: Yeas 26, Nays 4.

Yeas: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Leedom, Lyon, McFarland, Montford, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Bivins, Caperton, Krier, Ratliff.

Absent: Parker.

Question - Shall **H.B. 2853** be passed to third reading?

**VOTE BY WHICH AMENDMENT TO  
HOUSE BILL 2853 ADOPTED RECONSIDERED**

On motion of Senator Sims, the vote by which the Caperton amendment was adopted was reconsidered by the following vote: Yeas 22, Nays 8.

Yeas: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Johnson, Leedom, McFarland, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Bivins, Caperton, Henderson, Krier, Lyon, Montford, Ratliff, Washington.

Absent: Parker.

Question - Shall the Caperton amendment be adopted?

The Caperton amendment failed of adoption by the following vote: Yeas 10, Nays 20.

Yeas: Bivins, Brooks, Caperton, Carriker, Henderson, Krier, Lyon, Montford, Ratliff, Washington.

Nays: Armbrister, Barrientos, Brown, Dickson, Edwards, Glasgow, Green, Haley, Harris, Johnson, Leedom, McFarland, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Absent: Parker.

The bill was again passed to third reading by the following vote: Yeas 23, Nays 7.

Yeas: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Johnson, Leedom, Lyon, McFarland, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Bivins, Caperton, Henderson, Krier, Montford, Ratliff, Washington.

Absent: Parker.

The bill was again read third time and finally passed by the following vote: Yeas 23, Nays 8.

Yeas: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Leedom, McFarland, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Bivins, Caperton, Krier, Lyon, Montford, Parker, Ratliff, Washington.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1550 ON SECOND READING**

The Senate resumed consideration of the following bill on its second reading and passage to engrossment:

**C.S.S.B. 1550**, Relating to the applicability of the Texas Workers' Compensation Act to certain employers and employees.

(Further consideration of the bill having been postponed on Friday, May 19, 1989, until 11:00 a.m. today.)

Question - Shall the bill be passed to engrossment?

**(Senator Brooks in Chair)**

Senator Parker offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend subsection (a) of Section 2 of Article 1 of C.S.S.B. 1550 by striking the language thereof and substituting the following:

"If an employer does not obtain and maintain worker's compensation insurance as prescribed by the Texas Workers' Compensation Act, the employer shall obtain and maintain a qualified policy or policies of insurance providing benefits as defined in this section."

The amendment was read.

Senator Ratliff moved to table the amendment.

The motion was lost by the following vote: Yeas 14, Nays 16.

Yeas: Armbrister, Bivins, Brooks, Brown, Carriker, Glasgow, Haley, Harris, Krier, Leedom, McFarland, Ratliff, Sims, Tejeda.

Nays: Barrientos, Caperton, Dickson, Edwards, Green, Henderson, Johnson, Lyon, Montford, Parker, Parmer, Santiesteban, Truan, Uribe, Whitmire, Zaffirini.

Absent: Washington.

Question recurring on the adoption of the amendment, the amendment was adopted by the following vote: Yeas 16, Nays 14.

Yeas: Barrientos, Caperton, Dickson, Edwards, Green, Henderson, Johnson, Lyon, Montford, Parker, Parmer, Santiesteban, Truan, Uribe, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brooks, Brown, Carriker, Glasgow, Haley, Harris, Krier, Leedom, McFarland, Ratliff, Sims, Tejada.

Absent: Washington.

Senator Parker offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend Article 1 of C.S.S.B. 1550 at p. 2 of the committee printing, between lines 39 and 40, by inserting a new Section 4 and renumbering the subsequent sections, to read as follows:

"SECTION 4. NOTICE OF COVERAGE. (a) An employer shall notify each employee annually as to whether the employer has a qualified policy or policies of insurance as provided by this article. In addition, the employer shall notify a new employee of the existence or absence of such coverage at the time the employee is hired. If the employer has neither workers compensation insurance coverage nor a qualified policy or policies as provided by this article, the notices required in this section shall specifically list the consequence of such lack of coverage.

(b) An employer who does not replace a qualified policy or policies of insurance as defined in this article that have been cancelled or terminated must notify, in writing, each employee of the termination or cancellation of the coverage on or before the date such termination or cancellation is effective.

(c) An employer who purchases a qualified policy or policies of insurance shall keep posted in the employer's place of business a notice that the employer has obtained such coverage, to be revised whenever the information it contains is revised. The notice shall be posted in at least 5 (five) conspicuous locations in the place of business and shall include the name, address and telephone number of the insurance provider's claims service.

The amendment was read and was adopted viva voce vote.

Senator Parker offered the following amendment to the bill:

**Floor Amendment No. 3**

(1) Amend subsection (e) of section 2 of Article 1 of C.S.S.B. 1550 at p. 2, lines 18 and 19, by striking the language "the suit is filed," and substituting the following: "of the occurrence of the injury. Any such action shall be entitled to preferential setting in the district courts of this state."

(2) Amend Section 3 of Article 3 of C.S.S.B. 1550 at p. 3, lines 40 and 41, by striking the language "the suit is filed," and substituting the following: "of the occurrence of the injury. Any such action shall be entitled to preferential setting in the district courts of this state."

The amendment was read and was adopted viva voce vote.

Senator Parker offered the following amendment to the bill:

**Floor Amendment No. 4**

(1) Amend Section 2 of Article 1 of C.S.S.B. 1550 at p. 2, between lines 24 and 25 by inserting a new subsection (g):

Any employer who misrepresents to its employees that it provides either a policy of workers compensation insurance or a policy or policies as provided by this article commits a Class A misdemeanor.

The amendment was read and was adopted viva voce vote.

Senator Parker offered the following amendment to the bill:

**Floor Amendment No. 5**

Amend **C.S.S.B. 1550** by inserting the words "comparative negligence" wherever the words "contributory negligence" appear.

The amendment was read and was adopted viva voce vote.

Senator Montford offered the following amendment to the bill:

**Floor Amendment No. 6**

Amend **C.S.S.B. 1550** as follows:

(1) On line 46, page 1, strike subsection 2 and insert in lieu thereof the following:

(2) "Employer" means a person or entity that employs 150 or fewer employees.

(2) On line 13, page 3, insert the following between "employer" and "is exempt":

who employs 150 or fewer employees

The amendment was read and was adopted viva voce vote.

On motion of Senator Ratliff and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**RECORD OF VOTE**

Senator Glasgow asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**MOTION TO PLACE COMMITTEE SUBSTITUTE  
SENATE BILL 1550 ON THIRD READING**

Senator Ratliff moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1550** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 14, Nays 15.

Yeas: Armbrister, Bivins, Brooks, Brown, Haley, Henderson, Krier, Leedom, McFarland, Montford, Ratliff, Santiesteban, Sims, Tejada.

Nays: Barrientos, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Johnson, Lyon, Parker, Parmer, Truan, Uribe, Whitmire, Zaffirini.

Absent: Harris, Washington.

**MESSAGE FROM THE HOUSE**

House Chamber  
May 23, 1989

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 607, Relating to the structure of the finance commission. (As substituted and amended)

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

(President in Chair)

COMMITTEE SUBSTITUTE  
SENATE BILL 1190 ON SECOND READING

Senator Whitmire moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1190, Relating to the franchising of a high-speed rail facility, the creation, powers, and duties of the Texas High-Speed Rail Authority, including the power of eminent domain, and the powers and duties of certain state agencies and political subdivisions with respect to a high-speed rail facility; providing penalties.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Armbrister, Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Henderson, Krier, Lyon, McFarland, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Bivins, Harris, Leedom, Montford, Santiesteban.

Absent: Johnson.

The bill was read second time.

Senator Whitmire offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 1190 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Chapter 1, Title 116, Revised Statutes, is amended by adding Article 6674v.2 to read as follows:

Art. 6674v.2. TEXAS HIGH-SPEED RAIL ACT

Part I.

Sec. 1. SHORT TITLE. This Act, consisting of two parts may be cited as the Texas High-Speed Rail Act.

Sec. 2. LEGISLATIVE FINDINGS; PURPOSE. (a) The legislature finds that:

(1) The Texas High-Speed Rail Authority should:

(A) objectively review franchise applications which provide ridership refinements, engineering analysis, environmental analysis, safety analysis, rolling stock, and a financial plan for the private development of a high-speed rail facility; and

(B) grant a franchise for the financing, construction, operation, and maintenance of a high-speed rail facility, provided it finds that it is for the public convenience and necessity;

(2) private design, development, routing and station location is necessary for planning, financing, management, operation, and construction mechanism for the development of an efficient and economically viable high-speed rail facility in this state;



(3) it is appropriate for the state to enact legislation that creates a high-speed rail authority in order to review applications for a franchise to construct private high-speed rail facilities in this state to promote the public good and to serve public purposes including the development and diversification of the economy of state and the expansion of transportation in this state;

(4) the health, safety, and general welfare of the people of this state should be considered in high-speed rail ground transportation applications;

(5) the establishment of a high-speed rail facility is authorized by Article III, Section 52-a, of the Texas Constitution, and complies with Article X, Section 2, of the Texas Constitution; and

(6) it is not in the public interest that a high speed rail facility be built, financed or operated by the public sector;

(b) The purpose of this Act is to establish a state-wide state agency to award a franchise to the private sector to construct, operate and maintain a high speed rail facility, if the authority determines that the award of a franchise is for the public convenience and necessity.

Sec. 3. CREATION OF AUTHORITY. The Texas High-Speed Rail Authority is hereby created as an agency of the state with statewide jurisdiction to exercise the powers conferred by this Act, directly or indirectly through an advisor or a franchisee as an essential governmental function of the state.

Sec. 4. BOARD OF DIRECTORS; BOND; TERMS; OATH; COMPENSATION. (a) The authority is administered by a board of directors composed of nine directors who shall occupy, respectively, places on the board to be designated Places 1, 2, 3, 4, 5, 6, 7, 8, and 9.

Place 1 shall be occupied by the Chairman of the State Highway and Public Transportation Commission.

Place 2 shall be occupied by a Chairman of the Texas Turnpike Authority.

Place 3 shall be occupied by the person who is the Chairman of the board of directors of a metropolitan transit authority organized under the provisions of article 1118x, Vernon's Texas Civil Statutes, containing a principal city with a population of 1,500,000 or more according to the last preceding federal census, at the time this act becomes effective. Such person in any case shall serve until the end of his term as a director of the authority as provided in Section 2 of this act. Thereafter his successor in the office of Chairman shall serve on the board of the authority for a term as herein provided so long as he is Chairman of such metropolitan transit authority.

Place 4 shall be occupied by the person who is Chairman of the board of directors of a regional transportation authority organized under the provisions of article 1118y, Vernon's Texas Civil Statutes, that contains a subregion with a principal city having a population of 800,000 or more according to the last preceding federal census at the time this act becomes effective. Such person in any case shall serve until the end of his term as a director of the authority as provided in Section 2 of this act. Thereafter his successor in the office of Chairman shall serve on the board of the authority for a term as herein provided so long as he is Chairman of the such metropolitan transit authority.

Place 5 shall be occupied by a member of the board of directors of a regional transportation authority organized under the provisions of article 1118y, Vernon's Texas Civil Statutes, that contains a subregion with a principal city having a population of 350,000 or more according to the last preceding federal census and who is appointed by the governor with the advice and consent of the senate.

Place 6 shall be occupied by the Chairman of the Texas Railroad Commission.

Places 7, 8 and 9 shall be appointed by the governor with the advice and consent of the senate.

(b) Directors shall serve staggered six-year terms, with the terms of two directors expiring June 1 of each odd-numbered year.

(c) A director, before undertaking the duties of office, must execute a bond, payable to the authority and approved by the board, in the amount of \$10,000. The bond must be conditioned on the faithful performance of the director's official duties. The authority shall pay all expenses of a bond required by this subsection.

(d) A member of the board serves without compensation for service on the board but is entitled to reimbursement for actual and necessary expenses incurred in performance of official duties under this Act.

Sec. 5. OFFICERS; MEETINGS. (a) At the first meeting after the appointment of directors under this Act, the board shall elect from among its appointed members a chairman and vice-chairman, and the board shall elect a secretary-treasurer who may be a member of the board.

(b) The board shall meet at the times and places required by board rule and at the call of the chairman.

(c) The board may hold an open meeting or executive meeting by telephone conference call using the procedures described by Section 2(r), Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes), as added by Section 4, Chapter 964, Acts of the 70th Legislature, Regular Session, 1987.

Sec. 6. POWERS AND DUTIES OF THE AUTHORITY; EXEMPTION.

(a) The board shall:

(1) exercise all powers of the authority directly or indirectly by assignment to the franchisee.

(b) The board may:

(1) accept donations, contributions, grants, or gifts from any source for any purpose; however, legislative appropriations or other state funds may be used only for planning but not for financing, acquisition, construction, maintenance or operation of the high-speed rail facility.

(2) acquire by contract purchase, grant, purchase, gift, devise, lease, contribution from any source and hold, use, sell, lease, or dispose of any property, including property of a franchisee;

(3) grant a franchise for the financing, construction, improvement, use, or operation of all or part of a high-speed rail facility in incorporated and unincorporated areas of the state;

(4) use, close, relocate, raise, reroute, impact, change the grade of, or alter the construction of, a street, alley, highway, or road, with the approval of the Department of Highways and Public Transportation and may also close, relocate, change the grade of, or alter the construction of a railroad, electric line, electric facility, telegraph and telephone property or facility, pipeline, pipeline facility, or other property, whether publicly or privately owned, as necessary or useful in the construction, reconstruction, repair, maintenance, or operation of a high-speed rail facility, at the expense of the authority which in all cases must be reimbursed by the franchisee or others pursuant to this act;

(5) regulate outdoor advertising, signs, junkyards, and automobile graveyards located adjacent to a right-of-way of the authority in the same manner that the State Highway and Public Transportation Commission regulates such uses and conditions along the main traveled way of the interstate or primary highway systems under the Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas Civil Statutes);

(6) employ and remove any person, firm, partnership, or corporation considered necessary by the board for the conduct of the affairs of the authority, including a general manager, bookkeepers, auditors, engineers, attorneys, financial advisers, and advisers;

(7) receive services from the state, the Railroad Commission of Texas, the Texas Department of Commerce, the Department of Highways and Public

Transportation, the Texas Turnpike Authority, or other state agency having statewide jurisdiction, or any county, municipal corporation, or other political subdivision of the state, for the acquisition of a high-speed rail facility;

(8) adopt and implement rules and management policies including those for the investment of public funds necessary to implement this act;

(9) exercise the power of eminent domain provided the cost thereof is paid by the franchisee;

(10) The board may, in performing its duties under this Act, contract or cooperate with any person, corporation or entity;

(c) Subsection (b) of this section shall be liberally construed in order to implement the program established under this Act to expand the state's transportation and commerce and to eliminate unemployment and underemployment in this state.

(d) Advisors and personnel employed by the board are exempt from the state employee position classification system.

(e) The State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes) does not apply to the authority.

## Part II.

### Sec. 7. DEFINITIONS. As used in this Act:

(1) "Advisor" means an independent professional consultant, advisor, or counsel to the authority, including an engineer, architect, attorney, accountant, construction manager, investment banker, financial advisor, marketing service, or other person determined by the board to be an advisor for the purposes of this Act.

(2) "Ancillary facility" means property, equipment, or a building that is acquired, installed, or constructed for the construction, management, and operation of a high-speed rail facility.

(3) "Authority" means the Texas High-Speed Rail Authority.

(4) "Board" means the board of directors of the authority.

(5) "Disadvantaged business" means:

(A) a corporation formed for the purpose of making a profit of which at least 51 percent of all classes of the shares of stock or other equitable securities are owned by one or more persons who are socially disadvantaged because of their identification as members of certain groups, which may include blacks, Hispanics, women, and American Indians, that have suffered the effects of discriminatory practices or similar invidious circumstances over which they have no control;

(B) a sole proprietorship formed for the purpose of making a profit that is completely owned, operated, and controlled by one or more persons described by Paragraph (A) of this subdivision;

(C) a partnership formed for the purpose of making a profit of which 51 percent of the assets and interest are owned by one or more persons described by Paragraph (A) of this subdivision, with any minority or women partners having a proportionate interest in the control, operation, and management of the partnership affairs;

(D) a joint venture between minority and women's group members for the purpose of making a profit in which the minority participation is based on the sharing of real economic interest and includes proportionate control over management, interest in capital, and interest earnings, other than a joint venture in which the majority group members own or control debt securities, leasehold interest, management contracts, or other interests; or

(E) a supplier contract between persons described by Paragraph (A) of this subdivision and a prime contractor in which the disadvantaged business is directly involved in the manufacture, distribution, warehousing, or shipping of the supplies or materials.

(6) "Earthworks and structures" means an excavation or embankment of earth made for a high-speed rail facility, including the clearing and grubbing of right-of-way, demolition of structures, relocation of utilities, pipelines, and any other obstacles in right-of-way, stripping and stockpiling, removal of subsoils for embankment or spoil, borrow pits, dressing and seeding of slopes, construction of culverts, road crossings, bridges, restoration of roadway, drainage in right-of-way or along road networks, or restoration of hydrologic system:

(7) "Environmental facility" means a facility, an improvement, or equipment related to a high-speed rail facility that is required for the enhancement or protection of the environment or the high-speed rail facility, or for the mitigation of any adverse environmental effect of the construction, operation, or maintenance of the high-speed rail facility.

(8) "Franchise" means a license approved by the authority that authorizes the holder to plan, construct, lease, operate, or maintain part or all of a high-speed rail facility.

(9) "Franchisee" means an individual or nongovernmental entity that holds a franchise issued by the authority under this Act.

(10) "High-speed rail" means the rail technology that permits the operation of rolling stock between scheduled stops at speeds in excess of 150 miles an hour.

(11) "High-speed rail facility" means any real, personal, or mixed property or any interest, right, or power in that property that is determined by the board to be necessary or convenient for the provision of an intercity high-speed rail transportation system in this state and all property or interests necessary for the financing, refinancing, acquiring, purchasing, condemning, constructing, planning, designing, engineering, enlarging, reconstructing, remodeling, repairing, renovating, extending, improving, bettering, furnishing, maintaining, using, or equipping of the system, including right-of-way, earthworks and structures, trackwork, electrification facilities, train controls, traction power systems, rail stations, rolling stock, ancillary facilities, environmental facilities, and maintenance facilities.

(12) "Maintenance and operating expense" means any expense of operating and maintaining a high-speed rail facility and the authority, including all compensation, labor, materials, repairs, and extensions necessary, required, or convenient in the discretion of the board to render efficient service or to maintain and operate the authority, including the payment of any tax or other amount paid, payable, or to be paid to the federal government.

(13) "Maintenance facility" includes a workshop, service facility, garage, equipment or other storage facility, security facility, or personnel facility.

(14) "Personnel facility" includes temporary or transient employee lodging.

(15) "Revenues" includes all income, receipts, and collections received by, to be received by, or pledged to the authority from or by any source, except a restricted gift, grant in aid of construction, or legislative appropriation.

(16) "Right-of-way" means an easement or any other interest in real property determined by the board to be necessary or convenient for the trackwork of a high-speed rail facility.

(17) "Rolling stock" means high-speed electrically propelled trains that run on rails or electromagnetic guideways.

(18) "Station" means a passenger service building, terminal, or station, including ticketing facilities, waiting areas, platforms, concessions, retail establishments, restaurants, elevators, escalators, facilities for handicapped access, access roads, parking facilities, baggage handling facilities, local maintenance

facilities, offices for purposes of the authority, ancillary facilities, and any interest in real property necessary or convenient for the listed items.

(19) "Trackwork" means track, track beds, track bed preparation, ties, rail fasteners, slabs, rails, emergency crossovers, setout tracks, storage tracks, and switches.

(20) "Traction power systems" means transformers, switches, controls, conductors, and any supports necessary to provide power to rolling stock.

(21) "Train controls" includes signalling, interlocking equipment, speed monitoring equipment, emergency braking systems, central traffic control facilities, and communication systems.

(22) "Transit system" means a transportation service that can transport people and property between a station and an ancillary facility, and that is available to the public, including a metropolitan rapid transit authority created under Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), a regional transportation authority created under Chapter 683, Acts of the 66th Legislature, 1979 (Article 1118y, Vernon's Texas Civil Statutes), or a city transit department created under Article 1118z, Revised Statutes.

Sec. 8. APPLICATION OF SUNSET ACT. (a) The authority is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that Act, the authority is abolished and this Act expires September 1, 2001.

(b) If the authority is abolished under Chapter 325, Government Code (Texas Sunset Act):

(1) a franchise granted under this Act remains valid and enforceable in accordance with its terms; and

(2) the governor shall designate an appropriate state agency to perform the obligations and duties of the authority under the terms of the franchise necessary to complete any high-speed rail facility required by the franchise and the granting of an additional term of the franchise as authorized by this Act.

Sec. 9. REPORTS. (a) The board shall report to the governor at least once a year and to the legislature in the first month of each regular legislative session on authority activities during the preceding reporting period. The report must include recommendations on matters under board control.

(b) The board may make other reports that the board deems necessary.

Sec. 10. AUTHORITY TO SUE AND BE SUED. (a) The board may sue and be sued on behalf of the authority. The suit must be brought in the county where the cause of action arises, or if the suit involves property acquired by eminent domain, in the county where the property is located.

(b) In a suit initiated by the board under this section, the authority is not required to pay in advance or give bond for costs or supersedeas.

(c) Service of process in a suit against the authority may be secured by serving any two directors or the agent for service designated by the board in its official minutes.

Sec. 11. SEAL. The board shall have a seal engraved with the authority's name. The seal shall be kept by the secretary-treasurer and used to authenticate the board's acts.

Sec. 12. EMINENT DOMAIN. (a) The authority may exercise the power of eminent domain to acquire by condemnation a fee simple or other interest in property, including an interest in air or subsurface space, that is necessary to the exercise of the authority conferred by this Act.

(b) Except as provided by this section, the authority must exercise the power of eminent domain in the manner provided by Chapter 21, Property Code, but the authority is not required to deposit in the trial court money or a bond as provided by Section 21.021(a), Property Code.

(c) The authority may not change or damage the property or facilities of the state, its municipal corporations, agencies, or political subdivisions without paying the cost of any such change or damage. If the owners desire to relocate, raise, change the grade of, or alter the construction of the property or facilities using their own forces or contractors of their own choosing, the authority may enter into agreements with those owners providing for the necessary relocations of or changes to the property or facilities by the owners or contractors. The authority shall reimburse the owners for costs incurred by the owners in making the relocations and changes. The relocation of any road or highway must be approved by the Department of Highways and Public Transportation.

(d) If the authority or an agency or political subdivision authorized to contract with the authority under this Act closes, relocates, adjusts, raises, lowers, reroutes, or changes the grade of, or alters the construction of, a street, alley, highway, overpass, underpass, road, railroad track, railroad bridge, other railroad facilities or properties, electric lines, electric conduits, other electric facilities or properties, telephone or telegraph lines, telephone or telegraph conduits or other facilities or properties, gas transmission or distribution pipes, gas pipeline, gas mains, other gas facilities or properties, waterpipes, sanitary sewer or storm sewer pipes, pipelines, water mains or other facilities or properties, cable television lines, or cables, cable television conduits or other facilities or properties, or other pipeline facilities, or properties relating to any of those items the authority, agency, or political subdivision, as applicable, shall bear the expense of that action and any damages suffered by the owners of the property or facilities unless otherwise provided for by contract executed under this Act. The authority may contract with the Department of Highways and Public Transportation for the acquisition of any property, including the acquisition of property through the exercise of the power of eminent domain by such department.

(e) In a condemnation proceeding brought by the authority, the authority is not required to pay in advance or give bond or other security for costs in the trial court, to give bond for the issuance of a temporary restraining order or a temporary injunction, or to give bond for costs or supersedeas on an appeal or writ of error.

(f) Proceedings under this section must be initiated by the adoption by the board of a resolution declaring the public necessity for the acquisition by the authority of the property or interest described by the resolution, that the acquisition is necessary and proper for the construction, extension, improvement, or development of a high-speed rail facility, and that the acquisition is in the public interest on behalf of the franchisee. The resolution of the authority is conclusive evidence of the public necessity of the proposed acquisition and that the real or personal property or interest acquired is necessary for public use. The authority may convey to the franchisee any property acquired by eminent domain by payment by the franchisee of the purchase price and expenses associated with the acquisition of the property.

Sec. 13. CONTRACTS. (a) The board may, in performing its duties under this Act, contract or cooperate with any person, corporation or entity including but not limited to, the federal government, the state, or an agency or political subdivision of the state for any purpose authorized by this Act.

(b) The board may contract with a nongovernmental person or corporation to maintain and keep confidential a trade secret, commercial information, or financial information that is obtained from the person or corporation in connection with the exercise of any authority granted under this Act.

Sec. 14. POWERS AND DUTIES OF OTHER GOVERNMENTAL ENTITIES. (a) An agency or political subdivision of the state may contract, as the governing body of the agency or political subdivision considers advisable, with the authority to implement this act.

(b) An agency represented on the board of the authority may participate in actions authorized under this act, if requested by the franchisee, and agency employees or property may be utilized for that purpose.

(c) An agency or political subdivision of the state may lease, lend, grant, or convey to the authority on request any property, including highways, streets, or other public property, that is necessary for or appropriate to the implementation of this Act. The lease, loan, grant, or conveyance may be made on terms considered reasonable and fair by the parties and without the necessity of an advertisement, order of court, or any other action.

Sec. 15. EXEMPTIONS FROM FEES. The authority and its advisors and franchisees are exempt from the payment of any fee, charge, or assessment of any agency or a political subdivision of the state or of any nonprofit corporation or agency of the state or a political subdivision, other than those specified by the Alcoholic Beverage Code, unless the payment of the fee, charge, or assessment is expressly required as a condition of a federal grant or loan to that entity. In that event, the authority shall pay no greater fee than an entity in the same or similar circumstances. This subsection does not apply to a tax, nor to an assessment under Article XII of Article 1446c, Vernon's Texas Civil Statutes or under Subchapter L of Chapter 13 of the Texas Water Code.

Sec. 16. RIGHT TO ENTER LAND. Engineers, employees, and representatives of the authority and franchisee may go on any land to make surveys and examine the land with reference to the location of works, improvements, plants, facilities, equipment, or appliances and to attend to any business of the authority if two weeks' notice is given to the owners in possession. If any of the authority's or franchisee activities cause damage to the land or property, the land or property shall be restored as nearly as possible to the original state at the sole expense of the authority.

Sec. 17. RULES; PENALTY. (a) The board may adopt rules necessary to implement this Act, including rules:

(1) to secure and maintain safety and efficiency in the operation and maintenance of a high-speed rail facility;

(2) governing the operation of the authority;

(3) governing use of land, easements, rights-of-way, or other authority property related to a high-speed rail facility;

(4) governing the operation of trains and equipment of a high-speed rail facility;

(5) regulating beverage services aboard a high-speed rail facility, except that all taxation, sales, service and transportation of alcoholic beverages shall be in accordance with the Alcoholic Beverage Code under the regulatory authority of the Alcoholic Beverage Commission; and

(6) establish employment and certification standards for peace officers.

(b) A condensed substantive statement of each rule for which a penalty is provided, including the penalty for its violation, shall be published after adoption once a week for two consecutive weeks in a newspaper of general circulation in the cities in which the terminals of the high-speed rail facility are located. The notice must advise that breach of the rule will subject the violator to a penalty and that the full text of the rule is on file in the principal office of the authority where it may be read by any interested person. A rule becomes effective 10 days after the second publication. In the event of conflict or inconsistency between any rule adopted by the authority and any city charter, ordinance, resolution, or rule or any county resolution, order, or ordinance, the provisions of the authority rule prevail and control.

(c) All authority rules not adopted under Subsection (b) of this section, except the award of a franchise under the procedures set forth in this Act, must be adopted

by following the procedures set forth in the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(d) The board may set reasonable penalties for the breach of a rule of the authority that may not exceed a fine of \$200, confinement in county jail for more than 30 days, or both the fine and confinement. A penalty is in addition to any other penalty provided by state law and may be enforced by complaint filed in the appropriate court of jurisdiction in the county in which the offense occurred, and for offenses committed on board a train, in a county in which the train service terminates.

(e) The authority may employ and commission its own peace officers with power to make arrests when necessary to prevent or abate the commission of an offense against the rules of the authority and against state law when the offense or threatened offense occurs on any land, easement, right-of-way, rolling stock, or other property owned and controlled by the authority.

(f) To the extent permitted by law, the authority shall establish in a franchise agreement the rules applicable to franchises under a franchise.

Sec. 18. MANAGEMENT. (a) The board shall manage, operate, and control the authority.

(b) The board shall:

(1) determine the fiscal year of the authority;

(2) establish an accounting system for the authority;

(3) have an annual audit prepared of authority affairs by the state auditor each year and by an independent certified public accountant, as may be necessary for financing by the authority;

(4) designate one or more banks to serve as a depository for authority funds; and

(5) deposit all money received by the authority in a depository bank unless otherwise required by an order authorizing the issuance of authority bonds.

(c) To the extent that funds in a depository bank are not insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or a successor to either corporation, they must be secured in the manner provided by law for the security of funds of a county.

(d) The board by resolution may authorize a representative to supervise the substitution of securities pledged to secure the authority's funds.

Sec. 19. ANNUAL BUDGET. (a) Before the beginning of each fiscal year and before the authority conducts business for that fiscal year, the board shall adopt an annual budget that specifies the major expenditures of the authority by type and amount.

(b) The authority may not spend money in excess of the amount budgeted for expenditures for a fiscal year unless the board amends the budget by order.

Sec. 20. INVESTMENT OF FUNDS. The authority may invest its funds in the manner provided for a county under the provisions of the Public Funds Investment Act (Article 842a-2, Vernon's Texas Civil Statutes).

Sec. 21. PUBLIC PROPERTY. Authority property is public property and may be used only for a public purpose.

Sec. 22. COMPETITIVE BIDDING AND OTHER PROCUREMENT REQUIREMENTS. (a) Except as provided by Subsection (b) of this section, the authority may award a contract for construction, services, or property, other than real property, only after full and open competition based on solicitations for competitive sealed bids or competitive sealed proposals under written regulations established by the board.

(b) This section does not apply to:

(1) The award of a franchise; or



(2) a contract between the authority and the federal government, the state, an agency or political subdivision of the state, or a franchisee of the authority; or

(3) a contract with or purchase from a utility certified by the Public Utility Commission of Texas to serve an area.

(c) The authority may adopt a program designed to reasonably increase participation by disadvantaged businesses in public contract awards. Competitive bidding requirements of this section and the award of contracts are not affected by this subsection. The board may require prospective bidders to meet uniform standards designed to assure a reasonable degree of participation by disadvantaged businesses in the performance of any public contract. The authority may provide a program outlining acceptable assistance to be provided to disadvantaged businesses to achieve the purposes of a program described by this subsection.

Sec. 23. APPLICATION FOR FRANCHISE. (a) Not later than the 90th day after the effective date of this Act, the board shall adopt rules and standards to govern the solicitation of applications or proposals for a franchise and the award of a franchise to ensure that a franchisee is financially and technically capable of constructing and operating high-speed rail facilities. In establishing criteria for the evaluation of the technology proposed by applicants for a franchise, the board shall balance the relative values of proven technology and the advantages of state-of-the-art technology that is likely to reach maturity over the life of the franchise.

(b) Not later than the 90th day after the effective date of this Act, the board may solicit letters of intent from parties interested in applying for a franchise under this section, including corporations engaged in the intercity passenger transportation industry in this state. The letters of intent must be filed with the board not later than the 120th day after the effective date of this Act. The board may require that a nonrefundable fee not to exceed \$100,000 accompany a letter of intent. The fees may be expended by the authority for any lawful purpose until other funds are available. A person filing a letter of intent becomes a member of an advisory committee to the board in the preparation of requests for proposals under this section and shall review and comment on the content of the requests for proposals before its publication.

(c) The board shall request proposals for a franchise to construct, operate, and maintain high-speed rail facilities not later than the 120th day after the effective date of this Act. The board shall solicit proposals from interested parties, including corporations engaged in the intercity passenger transportation industry in this state. The board may not require that an applicant file a letter of intent as a condition to filing a proposal or application for a franchise.

(d) An application or proposal for a franchise must be filed not later than the 210th day after the effective date of this Act and be accompanied by a nonrefundable application fee of \$500,000 paid to the authority. The board shall grant a credit, not to exceed \$100,000, against the application fee for any fee paid by an applicant under Subsection (b) of this section.

Sec. 24. AWARD OF FRANCHISE. (a) Not later than the 270th day after the effective date of this Act, the board shall award, in accordance with rules and standards established by the authority, a franchise to the applicant that the board determines is best qualified to finance, construct, operate, and maintain the high-speed rail facilities and it is for the public convenience and necessity to do so. If the board receives only one application for a franchise, the board may award a franchise to that applicant only if it determines that the applicant is qualified to finance, contract, operate, and maintain a high-speed rail facility.

(b) The award of a franchise by the board will be the sole license and authority required for the franchisee to construct and operate the high-speed rail facilities.

Minimum design standards and specifications for the construction, operation, and maintenance of the high-speed rail facilities may be:

- (1) included in the franchise agreement; or
- (2) proposed by the franchisee to the board for the board's approval or disapproval.

(c) The board may make the award subject to the terms, including legal and fiscal assurances reasonably guaranteeing the completion of any phase of construction and operation of the high-speed rail facilities, that the board considers appropriate and consistent with this Act. The franchise must be made for a term of 50 years, and the board may extend the term of the franchise in increments of 50 years. The franchise agreement must authorize the franchisee to construct, operate, and maintain the high-speed rail facilities and any other improvement or facility the board determines necessary or convenient to implement the rights granted under the franchise agreement.

(d) The authority may exempt the franchisee from all otherwise applicable rules, orders, ordinances, or charters of agencies or political subdivisions of the state in the franchise agreement.

(e) The franchise agreement shall include terms to protect the interest of the authority and to ensure that the franchisee constructs, operates, and maintains the high-speed rail facilities in accordance with the franchise agreement and that the franchisee reimburse the authority as provided in this Act. The franchise agreement may include:

- (1) a schedule for securing all necessary funding;
- (2) a schedule for the completion of any engineering, financial planning, economic analysis, environmental analysis, or related preconstruction tasks;
- (3) a schedule for securing all required permits, approvals, variances, or exemptions; and
- (4) a schedule within which the franchisee must commence construction that may not be greater than six years after the date of the award of the franchise.

(f) The board may include in the franchise agreement conditions that constitute variances, exemptions, or amendments of any rule of an agency or political subdivision of the state that otherwise would be applicable to the high-speed rail facilities or ancillary facilities, or to the construction, operation, or maintenance of the high-speed rail facilities, except that the board may not include conditions that constitute variances, exemptions, or amendments to any rule of the Public Utility Commission of Texas or the Alcoholic Beverage Commission nor may the board vary any provision of the Alcoholic Beverage Code, and to the extent of any conflict with this Act, the code shall prevail. The conditions of the franchise agreement relating to the actual operation of the trains, including train speed, control, construction and maintenance standards, vibration, rail structures, environmental enhancement and protection, vehicles, safety, noise, or noise barriers, shall take precedence over and control over any conflicting standard, rule, ordinance, or charter provision of any agency or political subdivision of the state, except that the board and any franchisee shall, in matters involving the taxation, sale, service and transportation of alcoholic beverages be at all times subject to the provisions of the Alcoholic Beverage Code and the regulatory authority of the alcoholic beverage commission.

(g) The board may amend the franchise agreement on request by the franchisee at any time. The board may amend specific provisions in the franchise agreement if the board determines that the modification is essential to protect the public health, safety, and welfare. The board shall amend the franchise agreement by adopting a final order.

(h) The board may not regulate the rates or fares charged by the franchisee or return on investment of the franchisee.

(i) The board shall provide in the franchise agreement that, on application or request by the franchisee, any agency or political subdivision of the state shall grant and approve all appropriate licenses and permits necessary for the location, construction, operation, and maintenance of an ancillary facility. All such licenses and permits must be consistent with the franchise agreement.

(j) The franchise agreement may include a delegation to the franchisee of any power of the authority under this Act that the board considers necessary and appropriate for the planning, constructing, operating, and maintaining of a high-speed rail facility.

(k) If no franchise is granted during the time periods set out in the previous sections, applications may be taken and a franchise granted at a later date by the authority.

Sec. 25. TORT CLAIMS. The authority is a governmental unit for the purposes of Chapter 101, Civil Practice and Remedies Code (Texas Tort Claims Act), and all operations of the authority are essential governmental functions for all purposes.

Sec. 26. HEADINGS; TITLES. The designation by this act of titles, subtitles, chapters, subchapters, parts, sections and subsections are for purposes of classification only, and the heading of any title, subtitle, chapter, subchapter, part, section or subsection shall not limit or expand the meaning of this act.

Sec. 27. CONFLICT OF LAWS. To the extent of any conflict between this Act or the exercise by the authority of a power granted by this Act and any statute, rule, charter, order, resolution, or ordinance or the exercise by any other state agency or any political subdivision of any power, this Act and the exercise of the powers of the authority control, except that in matters relating to electric service or the sale, service, use, and transportation of alcoholic beverages, the provisions of the Public Utility Regulatory act or the Alcoholic Beverage Code and the regulatory authority of the Public Utility Commission of Texas or the Alcoholic Beverage Commission shall control and prevail over any conflicting provision of this act.

SECTION 2. INITIAL APPOINTMENTS. (a) Notwithstanding Section 4, Texas High-Speed Rail Act (Article 6674v.2, Revised Statutes), as added by this Act, not later than September 15, 1989, the governor, the commissions and the authorities shall make the initial appointments for the board of directors of the Texas High-Speed Rail Authority, and the appointees shall choose among themselves which members shall serve the following terms.

- (1) three members shall serve until June 1, 1991;
- (2) three members shall serve until June 1, 1993; and
- (3) three members shall serve until June 1, 1995.

(b) This section expires July 1, 1995.

SECTION 3. Section 48.03, Alcoholic Beverage Code, is amended to read as follows:

Sec. 48.03. ELIGIBILITY FOR PERMIT. The commission or administrator may issue a passenger train beverage permit to any corporation organized under Title 112, Revised Statutes, or under the Rail Passenger Service Act of 1970, as amended (45 U.S.C.A. Section 501 et seq.), or to a corporation holding a franchise issued by the Texas High-Speed Rail Authority, operating a commercial passenger train service in or through the state. Application and payment of the fee shall be made directly to the commission.

SECTION 4. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:  
(1) sheriffs and their deputies;

- (2) constables and deputy constables;  
 (3) marshals or police officers of an incorporated city, town, or village;  
 (4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;  
 (5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;  
 (6) law enforcement agents of the Alcoholic Beverage Commission;  
 (7) each member of an arson investigating unit of a city, county or the state;  
 (8) any private person specially appointed to execute criminal process;  
 (9) officers commissioned by the governing board of any state institution of higher education, public junior college or the Texas State Technical Institute;  
 (10) officers commissioned by the State Purchasing and General Services Commission;  
 (11) law enforcement officers commissioned by the Parks and Wildlife Commission;  
 (12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state that operates an airport served by a Civil Aeronautics Board certificated air carrier;  
 (13) municipal park and recreational patrolmen and security officers;  
 (14) security officers commissioned as peace officers by the State Treasurer;  
 (15) officers commissioned by a water control and improvement district under Section 51.132, Water Code;  
 (16) officers commissioned by a board of trustees under Chapter 341, Acts of the 57th Legislature, Regular Session, 1961 (Article 1187f, Vernon's Texas Civil Statutes);  
 (17) investigators commissioned by the Texas State Board of Medical Examiners;  
 (18) officers commissioned by the board of managers of the Dallas County Hospital District under Section 16, Chapter 266, technology proposed by applicants for a franchise, the board shall balance the relative values of proven technology and the advantages of state-of-the-art technology that is likely to reach maturity over the life of the franchise. Acts of the 53rd Legislature, Regular Session, 1953 (Article 4494n, Vernon's Texas Civil Statutes);  
 (19) county park rangers commissioned under Article 6869d-1, Revised Statutes;  
 (20) stewards and judges employed by the Texas Racing Commission;  
 [and]  
 (21) officers commissioned by the Texas State Board of Pharmacy;[.]  
 (22) [(21)] officers commissioned by the governing body of a metropolitan rapid transit authority under Section 13, Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes), or by a regional transportation authority under Section 10, Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes); and  
 (23) officers commissioned by the Texas High-Speed Rail Authority.

SECTION 5. Section 316.033, Government Code, is amended to read as follows:

Sec. 316.033. FUNDS EXCLUDED. This subchapter applies to funds established by state law, but does not apply to any portion of a fund derived from constitutionally dedicated revenues or to funds or fund balances that are:

- (1) dedicated by the Texas Constitution;
- (2) held in trust or escrow for the benefit of any person or entity other than a state agency;
- (3) pledged to the payment of bonds, notes, or other debts;
- (4) derived from gifts, donations, or endowments made to state agencies or institutions of higher education;
- (5) pledged to the capital trust fund to be used for construction;
- (6) maintained by institutions of higher education, including the Texas State Technical Institute; or
- (7) maintained by the Texas High-Speed Rail Authority.

SECTION 6. Section 1.02(2), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(2) "State agency" means:

(A) any department, commission, board, office, or other agency in the executive branch of state government created by the constitution or a statute of this state, except the Texas High-Speed Rail Authority;

(B) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of civil appeals, or the Texas Civil Judicial Council; or

(C) a university system or an institution of higher education as defined in Section 61.003, Texas Education Code, as amended, other than a public junior college.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Haley offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 2**

Amend C.S.S.B. 1190 by adding on line 5 p. 3  
 .. and routes through a city of approximately 6000 located fifteen miles west of the Sabine River and whose primary agriculture income is chickens, timber, cattle and watermelons.

The amendment was read.

On motion of Senator Whitmire, the amendment to Floor Amendment No. 1 was tabled by the following vote: Yeas 19, Nays 9.

Yeas: Armbrister, Brooks, Brown, Caperton, Dickson, Edwards, Glasgow, Green, Henderson, Johnson, Krier, McFarland, Montford, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Barrientos, Bivins, Carriker, Haley, Leedom, Lyon, Parker, Parmer, Sims.

Absent: Harris, Ratliff, Santiesteban.

Senator Washington offered the following amendment to Floor Amendment No. 1:

**Floor Amendment No. 3**

Amend C.S.S.B. 1190 by striking the language in section 22(c) and substituting the following:

(a) It is the goal of the Legislature, subject to the constitutional requirements spelled out by the United States Supreme Court in *Richmond v. J. A. Croson*

Company and as hereafter further elaborated by federal and state courts, that all disadvantaged businesses as defined in Section 7, subsection (5), be given full and complete access to the procurement process whereby supplies, materials, services and equipment are acquired by the Authority. It is also an intent of the Legislature that to the extent constitutionally permissible, a preference be given to disadvantaged businesses. The board and general contractor shall give preference, among bids or other proposals that are otherwise comparable, to a bid or other proposal by a disadvantaged business having its home office located in this state.

(b) It is the intent of the Legislature that the district shall:

(1) implement a program or programs targeted to disadvantaged businesses in order to inform them fully about the Authority's procurement process and the requirements for their participation in that process;

(2) implement such steps as are necessary to insure that all disadvantaged businesses are made fully aware of opportunities with the Authority, including, but not limited to, specific opportunities to submit bids and proposals. Steps that may be appropriate in certain circumstances include mailing requests for proposals or notices inviting bids to all disadvantaged businesses in the county;

(3) require prime contractors, as part of their responses to requests for proposals or bids, to make a specific showing of how they intend to maximize participation by disadvantaged businesses as subcontractors. The Authority shall be required to evaluate such actions by prime contractors as a factor in the award of contracts within the Authority procurement process;

(4) identify disadvantaged businesses in the county that provide or have the potential to provide supplies, materials, services and equipment to the Authority; and

(5) identify barriers to participation by disadvantaged businesses in the Authority procurement process, such as bonding, insurance and working capital requirements that may be imposed on businesses.

(c) It is the intent of the Legislature that the Authority shall be required to develop a program pursuant to this Act for the purchase of supplies, materials, services, and equipment and that the board of the district compile a report on an annual basis listing the total number and dollar amount of contracts awarded to disadvantaged businesses during the previous year as well as the total number and dollar amount of all contracts awarded. Such annual report shall be available for inspection by the general public during regular business hours.

The amendment was read and was adopted viva voce vote.

Question on adoption of Floor Amendment No. 1 as amended, the amendment was adopted viva voce vote.

On motion of Senator Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 1190 ON THIRD READING**

Senator Whitmire moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 1190 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier,

Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Leedom, Santiesteban, Washington.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Barrientos, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Bivins, Leedom, Santiesteban.

#### SENATE RESOLUTION 657

Senator Brooks offered the following resolution:

WHEREAS, Texas and Texans are saddened at the passing of a true friend and public servant, Paul Gorton Blanton, who died on Thursday, January 19, 1989, at the age of 58; and

WHEREAS, This distinguished gentleman was educated in the public schools of Houston, received an undergraduate degree in philosophy from Duke University, graduated from Yale University with a master's degree in divinity, received a master's degree in theology from Southern Methodist University where he directed the Wesley Foundation, was a Danforth Fellow in American Studies at Columbia University, was an Interdisciplinary Fellow, and received a doctoral degree in social ethics from Claremont College; and

WHEREAS, He became a minister of the Texas Conference of the United Methodist Church and taught at Northwestern University in Evanston, Illinois, where he received the Association of Student Government Outstanding Faculty Award, and Southwestern University in Georgetown, Texas, where he also received an outstanding faculty award; and

WHEREAS, Paul was a board member of Saint Luke's Methodist Church in Austin, Texas, the Central Texas Higher Education Authority, the Austin Gray Panthers, Child, Incorporated, West Austin Caregivers, Incorporated, and the National Council for the Prevention of Elder Abuse; and

WHEREAS, Paul was a member of the Austin Peace and Justice Coalition, the Wimberley Committee for World Peace, the American Society on Aging, the Coalition of Texans with Disabilities, and the Texas Chapter of the American Civil Liberties Union; and

WHEREAS, Paul was a volunteer medic for the North Hays County Emergency Medical Service and donated many hours of his free time to the Wimberley community and those needing emergency medical assistance; and

WHEREAS, Paul was the first director of the Adult Protective Services Section for the Texas Department of Human Services and held that job until his death; he was a leading national authority on protective services for elderly and disabled individuals and served as a consultant to Project IDEA, University Center on Aging, University of Massachusetts; he actively demonstrated concern and support for adult protective services caseworkers as well as clients, often personally intervening when clients or workers faced extreme or life-threatening circumstances; and

WHEREAS, Paul was a teacher without teaching and a giver without asking for return; generous with his joy, he was patient, faced his life with a wonderful sense of humor, and accepted life with courage as it came to him; and

WHEREAS, Paul recognized no barriers among people, always striving to tear down the walls of inequality and injustice; and

WHEREAS, Paul enabled people to have confidence in themselves, which in turn inspired them to do their best; and

WHEREAS, Paul chose to act in a way that enriched others' lives through identification with people who are principled and compassionate, as he was; and

WHEREAS, Paul was precious and wonderful, and a loving husband to his wife, Andrea; and

WHEREAS, Paul was a member of a pioneer Texas family, his great-grandfather, a builder, rancher, and public official of the Republic of Texas, having settled in Texas in 1836, his grandfather having been a trail driver and merchant during the Reconstruction era, and his father, William Neal Blanton, Sr., having been the Chief Executive Officer of the Houston Chamber of Commerce, Vice-Chairman of the Houston Port Commission, and organizer of a drilling company and a national bank; and

WHEREAS, Paul's family are all distinguished citizens; his brother, Jack F. Blanton, is immediate past Chairman of The University of Texas System Board of Regents; another brother, Joseph F. Blanton, founded Blanton's Flowers, the largest florist in Houston, and served as Rotary Club president, Sons of the American Revolution president, and state officer of the Sons of the Republic of Texas; another brother, Judge William N. Blanton, Jr., recently retired after serving 20 years as State District Judge in Houston; and another brother, James Neal Blanton, was with the United States Commerce Department and is now returning to Texas after residing in Boston, Massachusetts; and

WHEREAS, Paul was a caring and devoted father to Elizabeth Wynn Blanton Lawrence, Paul Gorton Blanton, Jr., and Samuel Alfred Blanton; a supportive father-in-law to Stephen Lawrence and Dawna Blanton; and a happy and proud grandfather to Elizabeth Louise Lawrence, Stephanie Leann Lawrence, and Nichole Grace Blanton; and

WHEREAS, Paul is survived by his mother, Louise Wynn Blanton, whom he loved very much; and he was inspired by his maternal grandparents, the Reverend Robert Wynn, who was President of Centenary College in Shreveport, Louisiana, and Alma Sawtelle Wynn; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, join the family and many friends of Paul Gorton Blanton in celebrating his life and in mourning his death, and offer sympathy to the members of his family; and, be it further

RESOLVED, That copies of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Paul Gorton Blanton.

The resolution was read.

On motion of Senator Henderson and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brooks and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

#### GUESTS PRESENTED

At the request of the President, Senator Brooks escorted Mrs. Andrea Blanton and Mr. Blanton's brother, Jack, along with family friends, to the President's Rostrum.

The President presented Mrs. Blanton with an enrolled copy of S.R. 657.



**SENATE BILL 477 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 477**, Relating to the allocation of certain constitutionally dedicated funds to eligible institutions of higher education.

The bill was read second time and was passed to engrossment viva voce vote.

**SENATE BILL 477 ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 477** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 174 ON THIRD READING**

On motion of Senator Edwards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

**C.S.H.B. 174**, Relating to regulation of telephone operator service providers.

The bill was read third time.

Senator Brooks offered the following amendment to the bill:

Amend Floor Amendment No. 2 (adopted yesterday) to **C.S.H.B. 174**, on page 3, line 10, by striking subsection (d) in its entirety and substituting a new subsection (d) to read as follows:

(d) For the purpose of funding the start-up costs of this service and for the first year of the service, the Commission shall require that 55% of the funds shall come from local exchange carriers and that 45% of the funds shall come from all other telecommunications utilities. At the end of the first year of the service, the Commission shall set the appropriate assessments for the funding of the service by all telecommunications utilities. In setting the appropriate assessments after the first year for funding of the service, the Commission shall consider the aggregate calling pattern of the users of the service and all other factors found appropriate and in the public interest by the Commission. The Commission shall review the assessments annually and adjust the assessments as found appropriate hereunder.

By unanimous consent, the amendment was read and was adopted viva voce vote.

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was finally passed viva voce vote.

**GUEST PRESENTED**

The President recognized the presence in the Senate Chamber of the Honorable Gib Lewis, Speaker of the House of Representatives.

Speaker Lewis was welcomed by the Senate.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1588 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 1588**, Relating to establishing a groundwater protection cleanup program and a petroleum storage tank remediation fund for the cleanup of releases from certain petroleum storage tanks; providing civil and criminal penalties; and making an appropriation.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **C.S.H.B. 1588** as follows:

(1) On line 13, page 3, Senate Committee Report, between "petroleum refinery," and "or a bulk facility" insert "an electric generating facility,".

(2) Between lines 1 and 2, page 10, Senate Committee Report, add the following:

"This term does not include petroleum products consumed at an electric generating facility."

The amendment was read and was adopted viva voce vote.

Senator Henderson offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend the Committee Printing of **C.S.H.B. 1588** by adding the following new subsection (g) after line 16, page 3:

(g) Costs incurred as a result of a release from a storage tank system owned, operated, or maintained by a common carrier railroad are not reimbursable pursuant to the provisions of this Section. Common carrier railroads are exempt from the fees collected pursuant to the provisions of this Act.

The amendment was read and was adopted viva voce vote.

Senator Bivins offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **C.S.H.B. 1588** as follows:

On page \_\_\_\_\_, line \_\_\_\_\_, add a new SECTION \_\_\_\_\_, to read as follows, and renumber the remaining sections of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 26, Water Code, is amended by adding Section 26.3513 to read as follows:

Sec. 26.3513. LIABILITY AND COSTS: MULTIPLE OWNERS AND OPERATORS. (a) This section applies at a site where the owner and the operator are different persons or at a site where there is more than one underground storage tank, petroleum storage tank, or a combination of both.

(b) Each owner and operator of an underground storage tank or petroleum storage tank at a site to which this section applies and from which a release or threatened release occurs is responsible for taking all corrective action at the site

which may be required under this subchapter; provided that liability for the expenses of corrective action among owners and operators may be apportioned as provided by this Section.

(c) All owners and operators of underground storage tanks and petroleum storage tanks at a site to which this section applies shall attempt to negotiate a settlement among themselves as to the apportionment of expenses.

(d) If the owners and operators reach a settlement as to the apportionment of expenses on or before the 30th day from the date on which the commission issues an order requiring corrective action, they shall submit the settlement to the commission for review. If the commission approves the settlement, the parties shall be liable for the expenses of taking corrective action in accordance with the approved settlement. Any action for breach of contract on the settlement agreement shall be to the district court of Travis County.

(e) If the parties cannot reach a settlement by the 30th day after the commission issues its order, the commission shall file suit in the district court of Travis County. In its petition, the commission:

(1) shall request the court to apportion the expenses of corrective action among the owners and operators; and,

(2) may request the court to award recovery of costs as provided by Section 26.355 of this code. In the alternative, the commission may file an action for recovery of costs at a later time.

(f) Where the owner or operator can prove by a preponderance of the evidence that liability for the expenses of taking corrective action in response to a release or threatened release is divisible, that person shall be liable for the expenses only to the extent that the impact to the groundwater, surface water, or subsurface soils is attributable to the release or threatened release from his underground storage tank or petroleum storage tank.

(g) The court may allocate corrective action costs among liable parties, using such equitable factors as the court determines are appropriate if the evidence is insufficient to establish each party's divisible portion of the liability for corrective action under Subsection (f) of this Section and joint and several liability would impose undue hardship on the owners and operators.

(h) If the court apportions liability for the expenses of corrective action as provided by Subsection (f) or (g) of this Section, cost recovery against the owners and operators shall be based on the apportionment.

(i) The commission may use the petroleum storage tank remediation fund to take corrective action at any time before, during, or after the conclusion of apportionment proceedings commenced under this section.

(j) Any owner or operator of a petroleum storage tank at the site may voluntarily undertake such corrective action at the site as the commission may agree to or require. An owner or operator who undertakes corrective action pursuant to this subsection may have contribution against all other owners and operators with tanks at the site.

(k) Nothing in this section:

(1) prohibits the commission from using the storage tank fund to take corrective action as provided by this subchapter and having cost recovery for the storage tank fund; or,

(2) affects the assessment of administrative penalties by the commission for violations of this subchapter or rules or orders adopted thereunder.

(l) At the request of the commission, the attorney general shall file suit on behalf of the commission to seek the relief provided by this section.

The amendment was read and was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

(Senator Glasgow in Chair)

**COMMITTEE SUBSTITUTE  
HOUSE BILL 1588 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.H.B. 1588** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2619 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 2619**, Relating to the administration, collection, and enforcement of the taxes on cigarettes and other tobacco products.

The bill was read second time.

Senator McFarland offered the following amendment to the bill:

Amend **C.S.H.B. 2619** as follows:

Section 154.050(a), Tax Code, is amended to read as follows:

The treasurer shall require that payment in full for stamps or meter settings be made within 30 days after the date stamps or a set meter is received by the distributor, except that at the close of each biennium, payment for stamps or meter settings purchased or received on or before August ~~[+6]~~ 31 of that fiscal year shall be made in full on or before August 31 of that fiscal year providing that such payment be received in the office of the Treasurer no later than August 31 of that fiscal year notwithstanding any other statute regarding tax due dates to the contrary.

The amendment was read and was adopted viva voce vote.

On motion of Senator McFarland and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2619 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.H.B. 2619** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**SENATE RULE 7.22(b) SUSPENDED**

On motion of Senator Caperton and by unanimous consent, Senate Rule 7.22(b) was suspended as it relates to House amendments to S.B. 1405.

**SENATE BILL 1405 WITH HOUSE AMENDMENTS**

Senator Caperton called S.B. 1405 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Committee Amendment - Hightower**

Amend S.B. 1405 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Subdivision (8), Section 1, Article 4413(49a), Revised Statutes, is amended to read as follows:

(8) "Council" means the Texas Council on Offenders with Mental Impairments [~~Interagency Council on Mentally Retarded, Developmentally Disabled, and Mentally Ill Offenders~~].

SECTION 2. Section 1, Article 4413(49a), Revised Statutes, is amended by adding Subdivision (9) to read as follows:

(9) "Offenders with Mental Impairments" means a mentally ill offender, a mentally retarded offender, or a developmentally disabled offender as those terms are defined in this Act.

SECTION 3. Subsection (a), Section 3, Article 4413(49a), Revised Statutes, is amended to read as follows:

Sec. 3. MEMBERSHIP. (a) The council is composed of 28 [~~27~~] members. The governor shall appoint nine at-large members to serve on the council. The executive head of each of the following agencies or associations, or that person's designated representative, shall serve as members of the council:

- (1) the Texas Department of Corrections;
- (2) the Texas Department of Mental Health and Mental Retardation;
- (3) the Board of Pardons and Paroles;
- (4) the Texas Adult Probation Commission;
- (5) the Texas Juvenile Probation Commission;
- (6) the Texas Youth Commission;
- (7) the Texas Rehabilitation Commission;
- (8) the Central Education Agency;
- (9) the Criminal Justice Policy Council;
- (10) the Mental Health Association in Texas;
- (11) the Texas Commission on Alcohol and Drug Abuse;
- (12) the Commission on Law Enforcement Officer Standards and Education;
- (13) the Texas Council of Community Mental Health and Mental Retardation Centers;
- (14) the Commission on Jail Standards;
- (15) the Texas Planning Council for Developmental Disabilities;
- (16) the Texas Association for Retarded Citizens;
- (17) the Texas Alliance for the Mentally Ill; ~~and~~
- (18) the Parent Association for the Retarded of Texas, Inc.; and
- (19) the Texas Department of Human Services.

SECTION 4. Article 4413(49a), Revised Statutes, is amended by adding Section 6A to read as follows:

Sec. 6A. REPORTS. The council shall file a biennial report to the legislature by June 1st of every even-numbered year.

SECTION 5. Section 7, Article 4413(49a), Revised Statutes, is amended to read as follows:

Sec. 7. POWERS AND DUTIES. The council shall:

(1) determine the status of offenders with mental impairments [~~mentally retarded, developmentally disabled, and mentally ill offenders~~] in the state criminal justice system;

(2) identify needed services for offenders with mental impairments [~~mentally retarded, developmentally disabled, and mentally ill offenders~~];

(3) develop a plan for meeting the treatment, rehabilitation, and educational needs of offenders with mental impairments [~~mentally retarded, developmentally disabled, and mentally ill offenders~~], including a case management system and the development of community-based alternatives to incarceration;

(4) cooperate in coordinating procedures of represented agencies for the smooth and orderly provision of services for offenders with mental impairments [~~mentally retarded, developmentally disabled, and mentally ill offenders~~];

(5) evaluate various in-state and out-of-state programs for offenders with mental impairments [~~mentally retarded, developmentally disabled, and mentally ill offenders~~] and recommend to the directors of current state programs methods of improving those programs;

(6) collect and disseminate information about available programs to judicial officers, probation and parole officers, and the general public;

(7) distribute money appropriated by the legislature to political subdivisions, private organizations, or other persons to be used for the development, operation, or evaluation of programs for offenders with mental impairments [~~mentally retarded, developmentally disabled, or mentally ill offenders~~];

(8) apply for and receive money made available by the federal or state government or by any other public or private source to be used by the council to perform its duties; and

(9) develop and implement [a] pilot projects [project] to demonstrate a cooperative program that identifies, evaluates, and manages outside of incarceration offenders with mental impairments and who do not have an instant offense that is an offense described in Section 3g, Article 42.12, Code of Criminal Procedure [~~nonviolent mentally retarded, developmentally disabled, and mentally ill offenders~~].

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

**Floor Amendment on Third Reading - S. Johnson**

Amend S.B. 1405 by striking Sections 3, 4, and 5 of the bill (as substituted) and substituting the following:

SECTION 3. Subsection (a), Section 3, Article 4413(49a), Revised Statutes, is amended to read as follows:

Sec. 3. MEMBERSHIP. (a) The council is composed of 28 [27] members. The governor shall appoint nine at-large members to serve on the council. The executive head of each of the following agencies or associations, or that person's designated representative, shall serve as members of the council:

(1) the Texas Department of Corrections;

(2) the Texas Department of Mental Health and Mental Retardation;

- (3) the Board of Pardons and Paroles;
- (4) the Texas Adult Probation Commission;
- (5) the Texas Juvenile Probation Commission;
- (6) the Texas Youth Commission;
- (7) the Texas Rehabilitation Commission;
- (8) the Central Education Agency;
- (9) the Criminal Justice Policy Council;
- (10) the Mental Health Association of Texas;
- (11) the Texas Commission on Alcohol and Drug Abuse;
- (12) the Commission on Law Enforcement Officer Standards and Education;
- (13) the Texas Council of Community Mental Health and Mental Retardation Center;
- (14) the Commission on Jail Standards;
- (15) the Texas Planning Council for Developmental Disabilities;
- (16) the Texas Association for Retarded Citizens;
- (17) the Texas Alliance for the Mentally Ill; ~~and~~
- (18) the Parent Association for the Retarded of Texas, Inc.; and
- (19) the Texas Department of Human Services.

SECTION 4. Article 4413(49a), Revised Statutes, is amended by adding Section 6A to read as follows:

Sec. 6A. REPORTS. The council shall file a biennial report to the legislature by June 1st of every even-numbered year.

SECTION 5. Section 7, Article 4413(49a), Revised Statutes, is amended to read as follows:

Sec. 7. POWERS AND DUTIES. The council shall:

- (1) determine the status of mentally retarded, developmentally disabled, and mentally ill offenders in the state criminal justice system;
- (2) identify needed services for mentally retarded, developmentally disabled, and mentally ill offenders;
- (3) develop a plan for meeting the treatment, rehabilitation, and educational needs of mentally retarded, developmentally disabled, and mentally ill offenders, including a case management system and the development of community-based alternatives to incarceration;
- (4) cooperate in coordinating procedures of represented agencies for the smooth and orderly provision of services for mentally retarded, developmentally disabled, and mentally ill offenders;
- (5) evaluate various in-state and out-of-state programs for mentally retarded, developmentally disabled, and mentally ill offenders and recommend to the directors of current state programs methods of improving those programs;
- (6) collect and disseminate information about available programs to judicial officers, probation and parole officers, and the general public;
- (7) distribute money appropriated by the legislature to political subdivisions, private organizations, or other persons to be used for the development, operation, or evaluation of programs for mentally retarded, developmentally disabled, or mentally ill offenders;
- (8) apply for and receive money made available by the federal or state government or by any other public or private source to be used by the council to perform its duties; and
- (9) ~~[develop and implement]~~ continue a pilot project to demonstrate a cooperative program that identifies, evaluates, and manages outside of incarceration non-violent mentally retarded, developmentally disabled, and mentally ill offenders who do not have a history of violence or have not been charged or convicted of an offense described in Section 3g, Article 42.12, Code of Criminal Procedure.

The amendments were read.

Senator Caperton moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on **S.B. 1405** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Caperton, Chairman; Washington, Tejeda, Glasgow and Dickson.

#### **SENATE BILL 40 WITH HOUSE AMENDMENTS**

Senator Green called **S.B. 40** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

#### **Committee Amendment - Arnold**

Amend **S.B. 40** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 21.551(a), Education Code, is amended to read as follows:

(a) The Central Education Agency shall adopt appropriate criterion referenced assessment instruments designed to assess minimum basic skills competencies in reading, writing, and mathematics for all pupils at the ~~[first;]~~ third, fifth, seventh, and ninth grade levels and in mathematics and English language arts for all pupils at the 12th grade level. The Central Education Agency may develop and adopt appropriate diagnostic instruments to assess basic skills as determined by the State Board of Education and may require such instruments to be administered to second grade students at the beginning of the school year.

SECTION 2. Section 21.721, Education Code, is amended by adding Subsection (e) to read as follows:

(e) A school district may grant promotions to students in grades below second grade on the basis of an assessment method other than numerical grading.

SECTION 3. Section 21.722(b), Education Code, is amended to read as follows:

(b) If a student's level of achievement for the notice period is below the level required for course credit or grade level advancement under Section 21.721 of this code [in any class or subject a student receives a grade equal to less than 70 on a scale of 100], the grade notice must state the need for a conference between the appropriate teacher and the parent and must quote or summarize the requirements of that section [Section 21.721 of this code].

SECTION 4. This Act takes effect September 1, 1989.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.



**Floor Amendment No. 1 - Hammond**

Amend C.S.S.B. 40 as follows:

(1) Strike Section 1 and substitute the following:

SECTION 1. Section 21.551, Education Code, is amended to read as follows:  
 Sec. 21.551. ADOPTION AND ADMINISTRATION OF INSTRUMENTS. (a) The Central Education Agency shall adopt appropriate criterion referenced assessment instruments designed to assess ~~[minimum basic skills]~~ competencies in reading, writing, social studies, science, and mathematics for all pupils at the ~~[first;]~~ third, fifth, seventh, and ninth grade levels and in mathematics and English language arts for all pupils at the 12th grade level.

(b) The Central Education Agency shall also adopt secondary exit level assessment instruments designed to assess mathematics, social studies, science, and English language arts competencies for pupils at the 12th grade level. The English language arts section must include the assessment of writing competencies. The State Board of Education shall administer the assessment instruments.

(c) The secondary exit level assessment instrument must be administered to all pupils at the 11th grade level. Each pupil who did not perform satisfactorily on all sections when tested at the 11th grade level shall be given opportunities during the 11th and 12th grade levels to retake the sections of the assessment instrument on which the pupil did not perform satisfactorily. The State Board of Education may adopt a schedule for the administration of the secondary exit level assessment instrument[~~, including the opportunity to retake these sections during the final month of the school term in which the pupil is enrolled at the 12th grade level~~].

(d) The assessment instruments shall be designed to include assessment of a student's problem solving ability and complex thinking skills.

(e) The assessment instruments required by Subsections (a) and (b) of this section must include assessments of social studies and science not later than the 1994-95 school year. The State Board of Education may adopt a schedule for the addition of the assessment of those subjects at the required grade levels in phases. This subsection expires August 31, 1995.

(2) Add new Section 2 and Section 3 as follows and renumber the subsequent sections accordingly:

SECTION 2. Section 21.559, Education Code, is amended to read as follows:  
 Sec. 21.559. COMPARISON OF STATE RESULTS TO NATIONAL RESULTS. The Central Education Agency shall obtain nationally norm referenced results for the subject areas and grade levels for which criterion referenced assessment instruments are adopted under Section 21.551 of this code by:

(1) combining norm referenced assessment items with the criterion referenced assessment instruments; or

(2) adopting one or more norm referenced assessment instruments for use in coordination with the criterion referenced assessment instruments. [compare the results of criterion referenced assessment instruments administered under Section 21.551 of this subchapter to nationally norm referenced assessment instruments to determine the level of achievement of students in this state as compared to students in other regions of the country:]

SECTION 3. Subchapter O, Education Code, is amended by adding Section 21.560 to read as follows:

Sec. 21.560. BIENNIAL REPORT. The State Board of Education shall biennially report to the legislature an evaluation of the correlation between student grades and student performance on assessment instruments administered under Section 21.551 of this code. The report may be included with other reports made as required by law.

**Floor Amendment No. 2 - Grusendorf**

Amend **S.B. 40** as follows: add new Section \_\_\_\_ to read as follows and renumber subsequent sections accordingly:

SECTION \_\_\_\_ Section 21.721, Education Code, is amended by adding Subsection (e) to read as follows:

(e) A district may not:

(1) require a teacher to record any grade given as a numerical grade that is greater than the actual numerical grade earned; or

(2) record a numerical grade for a class or subject that is greater than the actual numerical grade earned.

The amendments were read.

Senator Green moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the Conference Committee on **S.B. 40** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Green, Chairman; Parker, Barrientos, Haley and Whitmire.

**SENATE BILL 650 WITH HOUSE AMENDMENTS**

Senator Parker called **S.B. 650** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

**Committee Amendment - H. Cuellar**

Amend **S.B. 650** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Chapter 14, Education Code, is amended by adding Subchapter C to read as follows:

**SUBCHAPTER C. STATEWIDE DEVELOPMENT OF TECHNOLOGY  
AND TELECOMMUNICATIONS**

Sec. 14.041. PURPOSE. In designing an education system to prepare students for the 21st century, it is the policy of the State of Texas that a quality education system should be available to all students under a thorough and efficient system of education. Under this system, every student must have access to a comprehensive curriculum designed to provide the basis for quality education. Teachers must be provided technical resources and training to guide the instruction of their students. The conduct and management of the system must be performed in an efficient and economical manner. Educational resources must be devoted to the maximum extent possible to the instruction of students. To accomplish these purposes, public education must utilize in a comprehensive manner appropriate technology in all aspects of instruction, administration, and communication.

Sec. 14.042. ELECTRONIC INFORMATION SYSTEM. (a) The State Board of Education shall establish and maintain an electronic information transfer

system that is capable of transmitting information, according to criteria established by the board, among school districts, regional education service centers, the Central Education Agency, and other state and education entities the board considers appropriate for participation in the system.

(b) The board may contract with suppliers of computer hardware, software, or communications equipment and services to provide hardware, software, or communications equipment, training, and services to school districts, regional education service centers, and the Central Education Agency. The board shall adopt standards and qualifications for hardware, software, and communications equipment, training, and services supplied through contract under this section.

Sec. 14.043. INTEGRATED TELECOMMUNICATIONS SYSTEM. (a) The State Board of Education, in coordination with institutions of higher education and other public agencies, shall maintain and expand as needed the telecommunications capabilities of school districts, regional education service centers, and the Central Education Agency to provide comprehensive delivery of:

- (1) curricula and inservice training;
- (2) technical assistance;
- (3) instructional software; and
- (4) other text, graphics, or audio, video, or digitized communications

equipment and services.

(b) The board shall conduct feasibility studies related to the provision of telecommunications capabilities including the capabilities of public broadcasting systems under Subsection (a) of this section and shall adopt criteria for the provision and maintenance of those capabilities.

(c) The board may contract with public broadcasting systems and other suppliers of telecommunications equipment, programming, training, and services to provide equipment, programming, training, and services, according to priorities determined by the board, to districts, regional education service centers, and the Central Education Agency.

(d) In providing additional telecommunications capabilities, the board shall give priority attention to those school districts with limited financial resources.

Sec. 14.044. CENTER FOR EDUCATIONAL TECHNOLOGY. (a) The State Board of Education may enter into an interagency contract with a public institution of higher education or a consortium of public institutions of higher education in this state to sponsor a center for educational technology under this section.

(b) The membership of the center shall consist of public school educators, universities, and private companies engaged in the development of computer software and hardware, educational materials, tests, and other related products. The State Board of Education shall adopt policies for the admission and withdrawal of members from the center.

(c) The governing board of the center shall be appointed by the State Board of Education and shall consist of:

- (1) representatives of participating companies;
- (2) a representative of each sponsoring institution of higher education, nominated by the president of the institution;
- (3) representatives of the public education system; and
- (4) the commissioner of education or his representative.

(d) The State Board of Education shall adopt specific policies to permit small companies access to participation in the center.

(e) The governing board shall:

- (1) employ an executive director for the center;
- (2) adopt rules, subject to the approval of the State Board of Education, for administration, operation, and management of the center; and

(3) report annually on the operation, projects, and fiscal affairs of the center to the governor's office, the Legislative Education Board, and the State Board of Education.

(f) The activities of the center shall include the development of:

(1) new applications of technology specifically designed for education purposes;

(2) prototype educational applications of a technology originally developed for commercial or other purposes;

(3) prototypes of technological devices for handicapped students and teachers;

(4) computer-based methods for diagnosing students' learning methods; and

(5) other applications of educational technology designed to improve the quality and efficiency of the educational process.

(g) The executive director shall manage the center's activities. The members of the center shall engage in the activities on a project-by-project basis. The activities may involve interdisciplinary university research teams and public educators. Prototype products may be tested at public school campuses that volunteer to participate in the testing.

(h) The advisory committee on technology standards, established under Section 14.047 of this code, shall recommend standards for products produced by the center to the State Board of Education.

(i) The legislature shall provide funds for the initial development of the center. However, no unrestricted general revenue funds shall be directly appropriated for the continued operation of the center after the first three years of operation. In addition, the general revenue fund shall be reimbursed for such initial appropriations from any royalties or other income of the center. Additional support for the center may include:

(1) annual membership dues for the private members;

(2) research services donated by members;

(3) facilities provided by each sponsoring institution of higher education;

(4) public and private grants; and

(5) royalties or licensing fees from marketed products produced by the center.

(j) The State Board of Education shall:

(1) adopt rules governing the voting power of members;

(2) approve rules adopted by the governing board for administration, operation, and management of the center; and

(3) establish priorities for the center's activities.

Sec. 14.045. DEMONSTRATION PROGRAMS. (a) The State Board of Education shall establish technology demonstration programs in education settings throughout the state to demonstrate and investigate the uses and effects of technology. The programs shall apply technologies to instructional or management tasks involving various student populations, content areas, and school district types and sizes, according to priorities established by the board.

(b) The board may adopt procedures for the selection of demonstration sites.

(c) The board may contract with vendors, including the Center for Educational Technology, for the purchase, lease, or loan of technology and software, courseware, programs, or other materials for the demonstration programs.

(d) The board may temporarily suspend for the duration of a program at a particular site a requirement or prohibition imposed by state law other than class-size limitations that hinders the application of the technology or is made unnecessary by the use of the technology.

- (e) To be approved under this section, a demonstration program must:
- (1) focus on improvements in educational productivity, efficiency, and accountability;
  - (2) preserve to the satisfaction of the board the rights of students, parents, and teachers granted by law; and
  - (3) provide specific procedures for the evaluation of the program.
- (f) A school district's application for approval of a program under this section must include substantial evidence that the district has adequately planned the program.
- (g) A demonstration program approved under this section may not result in an increase in the amount of state funds allocated to the district or a decrease in the amount allocated to any other district.
- (h) If a demonstration program proposes a deviation from a requirement or prohibition imposed by state law or rule, final approval of the program by the State Board of Education constitutes a waiver of the requirement or prohibition for the duration of the program. A prohibition on conduct that constitutes a criminal offense may not be waived.

Sec. 14.046. EDUCATION SERVICE CENTERS. The State Board of Education may provide for the establishment and operation of a technology preview center at each regional education service center in the state for training school district faculty and staff, demonstrating technology applications, and reviewing technologies.

Sec. 14.047. STANDARDS FOR SERVICES AND EQUIPMENT. (a) The State Board of Education shall adopt guidelines or standards for the quality, technical specifications, functions, security, and other features of hardware, software, courseware, training, and other technology-related products and services provided to school districts under this subchapter and other provisions of the Education Code.

(b) The board shall establish an advisory committee on technology standards to advise the board on standards or guidelines adopted under this section.

(c) The standards or guidelines approved by the State Board of Education shall be prepared in concert with the State Purchasing and General Services Commission and the Automated Information and Telecommunications Council.

SECTION 2. Section 14.021, Education Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The board, in coordination with the Texas Higher Education Coordinating Board and other public agencies and institutions the board considers appropriate, shall propose legislation and funding necessary to implement the plan, including legislation relating to textbook adoption, a well-balanced curriculum, or standards for teacher certification.

(d) The Central Education Agency shall take actions necessary to implement the long-range plan for technology.

(e) The board shall biennially report to the governor and the legislature on:

- (1) the equity of the distribution and use of technology under this chapter; and
- (2) the implementation of and revisions to the long-range plan for technology.

SECTION 3. Section 12.62, Education Code, is amended by adding Subsection (f) to read as follows:

(f) Computer courseware and other electronic instructional materials shall be distributed on the basis of equal access for each pupil enrolled in a subject for which the courseware or other materials are adopted.

SECTION 4. The State Board of Education shall prepare a comprehensive inventory of technology systems, including instructional television, in use in the

public schools of Texas. Utilizing the 1988-2000 Long-Range Plan for Technology as a standard, the board shall develop a comprehensive financing plan designed to provide equitable and adequate access to quality technology systems, including instructional television, by all students no later than the year 2000. This inventory and plan shall be incorporated into a separate facilities inventory and plan if a facilities plan is required by the legislature. The financing plan shall provide for the acquisition of technological hardware and software, and the modification or renovation of facilities to improve the integration of technology.

SECTION 5. Subsection (f) Section 21.901, Education Code, is amended to read as follows:

(f) The board of trustees of a school district may acquire computers and computer-related equipment, including computer software, through the State Purchasing and General Services Commission under contracts entered into in accordance with Article 601b, V.T.C.S. Before issuing an invitation for bids, the commission shall consult with the Central Education Agency concerning the computer and computer-related equipment needs of school districts. To the extent possible the resulting contract shall provide for such needs.

SECTION 6. The State Board of Education shall establish one or more pilot projects to investigate the effective utilization of technology for the purpose of implementing the teacher induction year established in Section 13.038, Education Code. For the purpose of implementing this section the State Board of Education may develop a demonstration program as established in Section 14.045 of this code. The State Board of Education and the Texas Higher Education Coordinating Board shall prepare a report with recommendations to the 72nd Legislature.

SECTION 7. This Act takes effect immediately, except Section 5 of this Act takes effect January 1, 1991, and districts are entitled to the technology equipment allotment under Section 16.160, Education Code, as added by this Act, beginning with the 1991-1992 school year.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

#### **Floor Amendment - Williamson**

Amend C.S.S.B. 650 as follows:

On page 10, line 23, strike “, and districts are entitled to the technology equipment allotment under Section 16.160, Education Code, as added by this Act, beginning with the 1991-1992 school year.” and insert a period after “1991”.

The amendments were read.

Senator Parker moved to concur in the House amendments to S.B. 650.

The motion prevailed by the following vote: Yeas 31, Nays 0.

#### **SENATE CONCURRENT RESOLUTION 2 WITH HOUSE AMENDMENT**

Senator Parker called S.C.R. 2 from the President's table for consideration of the House amendment to the resolution.

The Presiding Officer laid the resolution and the House amendment before the Senate.

**Committee Amendment - Brimer**

Amend S.C.R. 2 by striking all and substituting in lieu thereof the following:

WHEREAS, A work of art can immortalize for all time the spirit of the age and the cultural heritage by which it was inspired; and

WHEREAS, Recognizing outstanding artists by bestowing on them titles of honor is a long-standing practice and serves as an encouragement to other talented artists; and

WHEREAS, Traditionally, a committee of the Texas Legislature has selected the Texas State Artist, appropriately honoring those Texans who have exhibited exceptional ability in portraying the beauty of this state, some facet of its history, or the proud spirit of its people; now, therefore, be it

RESOLVED, That the 71st Legislature of the State of Texas hereby create a special committee to designate Texas State Artists in two categories of art to serve concurrently a term of one year; one state artist shall be selected each year on the basis of achievements in two-dimensional media and one state artist shall be selected each year on the basis of achievements in three-dimensional media; and, be it further

RESOLVED, That the committee shall designate a Texas State Artist in each category for the year beginning May 1, 1989, and ending April 30, 1990, and a Texas State Artist in each category for the year beginning May 1, 1990, and ending April 30, 1991; and, be it further

RESOLVED, That the special committee be named the Texas State Artist Committee and be composed of three members of the senate to be appointed by the lieutenant governor, and three members of the house of representatives to be appointed by the speaker of the house; the lieutenant governor and speaker of the house shall each designate a cochair from among their appointees, and the committee shall subsequently meet at the call of the cochairs; and, be it further

RESOLVED, That in the selection process each committee member may nominate no more than two artists for each year, one in each category. From the list of nominees, the committee members shall elect a state artist. In the election, a member may not vote for his nominees; and, be it further

RESOLVED, That the persons designated as state artists be superior and recognized artists who are citizens of the State of Texas.

The amendment was read.

On motion of Senator Parker and by unanimous consent, the Senate concurred in the House amendment to S.C.R. 2 viva voce vote.

**SENATE CONCURRENT RESOLUTION 48  
WITH HOUSE AMENDMENT**

Senator Parker called S.C.R. 48 from the President's table for consideration of the House amendment to the resolution.

The Presiding Officer laid the resolution and the House amendment before the Senate.

**Floor Amendment - Repp**

On page 1, lines 2, 7 and 20, insert the word "Public" before the word "Student"

The amendment was read.

On motion of Senator Parker and by unanimous consent, the Senate concurred in the House amendment to S.C.R. 48 viva voce vote.

## SENATE BILL 312 WITH HOUSE AMENDMENTS

Senator Tejeda called S.B. 312 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

## Committee Amendment - Schoolcraft

## Amend S.B. 312

On page 8, line 6, strike the words "determined by the board"

On page 8, line 11, after "fee" strike "not to exceed" and add "of \$75."

On page 8, line 12, strike "an accumulated amount of \$18.75"

On page 8, line 15, after fee strike "not to exceed an accumulated amount" and add "of \$50."

On page 8, line 16, strike "of \$12.50."

On page 9, line 5, after examination, add "The board may adopt rules to allow a person who fails the examination to retake all or part of the examination. A fee of \$25 shall accompany an application for reexamination."

On page 9, after line 9, add "The department shall charge a fee of \$5.00 to replace a lost certificate."

On page 9, line 12, after "provider", substitute the following:

"If the individual is required as a condition of employment to be certified, then the emergency medical service provider shall pay for all fees requires by this section (except for a fee to replace a lost certificate) in addition to any other compensation paid to that individual if such provider is a municipality."

On page 12, line 13, replace the word "two" with the word "five".

On page 12, line 14, after "equivalent", add: "Nothing in this Act shall prohibit an emergency medical services provider who uses volunteer EMS personnel but has more than five paid staff to use the word 'volunteer' in advertising if the organization is composed of at least 75 per cent volunteer personnel." On page 12, after line 14, add:

SECTION 5. Section 3.05, Emergency Medical Services Act (Article 4447o, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.05 LATE RECERTIFICATION. A person making application for recertification whose application is received [later than the 90th day] after the expiration date of the person's certificate must pay a late fee of \$25 in addition to the examination fee [meet the requirement of the initial certification, including training and fees in effect on the date of the application.]

On page 12, line 15, replace "SECTION 5" with "SECTION 6".

On page 13, line 4, replace "SECTION 6" with "SECTION 7".

On page 14, line 23, replace "SECTION 7" with "SECTION 8".

On page 16, line 11, replace "SECTION 8" with "SECTION 9".

On page 17, after line 8, add "Section 10. Section 3.16 Emergency Medical Services Act (Article 4447o, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.16. Certified Personnel and Permitted Vehicles. [CERTIFICATION AND EXEMPTION FROM PAYMENT OF FEES OF PERSONS VOLUNTARILY CERTIFIED ON EFFECTIVE DATE OF ACT:] A person who is [voluntarily] certified by the department as a paramedic emergency medical technician, specially skilled emergency medical technician, or emergency care attendant or an EMS provider who has permitted EMS vehicles on the effective date of this Act is considered to be certified or to have an EMS provider license under this Act until the expiration of the respective certificate or vehicle permit. However, certified EMS personnel [the person is] are not subject to the certification fees provided in this Act until the expiration [or renewal] date of [his] certification.



On page 17, line 9, replace "SECTION 9" with "SECTION 11".

On page 18, line 9, replace "Section 10" with "Section 12".

On page 18, line 10, replace "Section 11" with "Section 13".

#### Floor Amendment No. 1 - Schoolcraft

Amend Committee Amendment No. 1 to S.B. 312 on page 19 by striking lines 4-9 and substituting the following:

On page 8, lines 11 and 12, strike everything after the comma and substitute "a fee of \$75, except that the fee is \$47 until September 1, 1991 ~~[not to exceed an accumulated amount of \$18.75]~~; and".

On page 8, lines 15 and 16, strike everything after the comma and substitute "a fee of \$50, except that the fee is \$36 until September 1, 1991 ~~[not to exceed an accumulated amount of \$12.50]~~".

#### Floor Amendment No. 2 - Schoolcraft

Amend S.B. 312 as follows:

(1) On page 5, strike lines 7 and 8 and substitute "[volunteer] provider who is exempt from the payment of fees under Section 3.04(l) of this Act;"

(2) On page 10, strike lines 20 and 21 and substitute "minimum standards may be issued a provisional license. The department".

(3) On page 10, lines 23 and 24, strike "who is in substantial compliance with this Act and the rules adopted".

(4) On page 10, line 25, between "interest" and the period, insert "and that the provider meets the requirements of the rules adopted under this subsection".

(5) On page 13, lines 15-17, strike "exclusively uses emergency medical services volunteers to provide emergency prehospital care" and substitute "is exempt from the payment of fees under Section 3.04(l) of this Act".

(6) On page 15, lines 8-10, strike "exclusively use emergency medical services volunteers to provide emergency prehospital care" and substitute "are exempt from the payment of fees under Section 3.04(l) of this Act".

(7) On page 18, between lines 8 and 9, insert the following:

"(e) The board shall adopt rules and criteria for unannounced inspections authorized under this section. The department or its representative shall perform unannounced inspections in accordance with those rules and criteria."

#### Floor Amendment No. 3 - Connelly

Amend S.B. 312 as follows:

Page 3 - line 21 - strike line 21-line 24

Add - (18) "Emergency medical services volunteer provider" means an emergency medical services which has at least 75% of the total personnel as volunteers, and is recognized as a Section 501 (C)(3) corporation as a non-profit organization by the Internal Revenue Service.

change (18) to (19)

The amendments were read.

On motion of Senator Tejeda and by unanimous consent, the Senate concurred in the House amendments to S.B. 312 viva voce vote.

#### SENATE BILL 1511 WITH HOUSE AMENDMENT

Senator Santiesteban called S.B. 1511 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment - Valigura**

Amend C.S.S.B. 1511, SECTION 2 to read as follows:

SECTION 2. Section 8(a), Solid Waste Disposal Act (Article 4477-7, Vernon's Texas Civil Statutes), is amended by adding Subdivision (10) to read as follows:

(10) If the attorney general or a local government institutes a suit under this section for injunctive relief or for recovery of a civil penalty, or both injunctive relief and a civil penalty, the prevailing party may recover its reasonable attorney's fees, court costs, and reasonable investigative costs incurred in relation to the proceeding; provided, however, that the amount awarded by the court may not exceed \$250,000.

Amend C.S.S.B. 1511, SECTION 3 to read as follows:

SECTION 3. Article II Texas Litter Abatement Act (Article 4477-9a, Vernon's Texas Civil Statutes), is amended by adding Section 2.10 to read as follows:

Sec. 2.10. VENUE AND RECOVERY OF CERTAIN COSTS. (a) Venue for prosecution of a criminal offense under this article or for a suit for injunctive relief under this article is in the county in which the defendant resides, in the county in which the offense or violation occurs, or in Travis County.

(b) If the attorney general or a local government brings a suit for injunctive relief under this article, the prevailing party may recover its reasonable attorney's fees, court costs, and reasonable investigative costs incurred in relation to the proceeding.

The amendment was read.

On motion of Senator Santiesteban and by unanimous consent, the Senate concurred in the House amendment to S.B. 1511 viva voce vote.

**CONFERENCE COMMITTEE REPORT ON  
SENATE BILL 294 ADOPTED**

Senator Krier called from the President's table the Conference Committee Report on S.B. 294. (The Conference Committee Report having been filed with the Senate and read on Monday, May 22, 1989.)

On motion of Senator Krier, the Conference Committee Report was adopted viva voce vote.

**SENATE BILL 1509 WITH HOUSE AMENDMENT**

Senator Brooks called S.B. 1509 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

**Floor Amendment - Clemons**

Amend S.B. 1509 on page 2 as follows:

Strike subsection (8), lines 6 through 9 inclusively and replace it with a new subsection (8) as follows:

"'Person with a disability' includes a person who has a physical or mental impairment that substantially limits one or more major life activities or has a record

of such an impairment. This term does not include an individual whose impairment is a communicable disease."

The amendment was read.

On motion of Senator Brooks and by unanimous consent, the Senate concurred in the House amendment to S.B. 1509 viva voce vote.

#### SENATE BILL 946 WITH HOUSE AMENDMENT

Senator Whitmire called S.B. 946 from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

#### Floor Amendment on Third Reading - Perez

Amend S.B. 946 on page 1, line 13, by inserting the following between "agreement" and ":",

"but, if the covenant not to compete is executed on a date other than at the time the underlying agreement is executed, such covenant must be supported by independent valuable consideration"

The amendment was read.

Senator Whitmire moved to concur in the House amendment to S.B. 946.

The motion prevailed by the following vote: Yeas 31, Nays 0.

#### CONFERENCE COMMITTEE REPORT SENATE BILL 193

Senator Ratliff submitted the following Conference Committee Report:

Austin, Texas  
May 23, 1989

Honorable William P. Hobby  
President of the Senate

Honorable Gibson D. "Gib" Lewis  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 193 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

RATLIFF  
PARMER  
BIVINS  
SIMS  
HALEY

On the part of the Senate

TALLAS  
GIBSON  
HARRISON  
HILBERT  
JONES

On the part of the House

#### A BILL TO BE ENTITLED AN ACT

relating to operation of a work force development incentive program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 481, Government Code, is amended by adding Section 481.076 to read as follows:

Sec. 481.076. WORK FORCE DEVELOPMENT INCENTIVE PROGRAM. (a) After consultation with the Adult Education Advisory Committee of the State Board of Education and the Central Education Agency, the department shall develop a work force development incentive program to enhance employment opportunities to meet the needs of existing and new industries in this state. At least 40 percent of the money expended under the program shall be used for work force training projects to assist existing businesses in the state. Money provided for a training project costing more than \$250,000 must be matched by funds provided by the industry benefiting from the project in an amount at least equal to twice the amount provided by the state.

(b) In developing and conducting the program, the department shall:

(1) use existing educational facilities available through public school districts, technical institutes, public junior colleges, and public universities;

(2) solicit and receive the cooperation of the Texas Higher Education Coordinating Board, the Central Education Agency, the Texas Department of Human Services, and the Texas Employment Commission;

(3) whenever acting in cooperation with another state agency to obtain recommendations of persons who meet the employee training needs of employers and where feasible, give priority to individuals who meet the following qualifications, in descending order of priority with (A) having the highest priority:

(A) Texas residents receiving financial or other aid through a state or federal assistance program such as, but not limited to, Aid to Families with Dependent Children (42 U.S.C. Section 601 et seq.), Food Stamps (7 U.S.C. Section 2011 et seq.), and Unemployment Compensation (42 U.S.C. Section 501 et seq.);

(B) unemployed Texas residents; and

(C) all other Texas residents;

(4) attempt to maximize the availability and use of federal matching funds; and

(5) report to the legislature at the end of each fiscal year on the number of individuals served, by category, in the priority groups specified in Subdivision (3) of this subsection.

(c) The department, after consultation with the Central Education Agency, may:

(1) provide preemployment and developmental training to provide employment opportunities in new or expanding industries;

(2) provide preemployment and developmental training to provide civilian employment opportunities with federal military reservations in this state;

(3) conduct industrial training seminars in conjunction with public or private employers; and

(4) adopt rules or take other actions considered necessary by the department to fully implement this section.

(d) A public secondary school, technical institute, junior college, or university may request the department to establish at the educational institution industrial training courses that are designed to meet the employee training needs of employers, including federal military reservations, located in the geographic area of the institution. The department may exercise its discretion in determining whether to establish a course. To qualify for the creation of a course, the institution must reasonably foresee a hiring requirement in the specific skill to be taught.

(e) The department may not exercise the powers or perform the duties provided by this section unless the legislature specifically appropriates funds for that purpose.

SECTION 2. Subsection (b), Section 11.18, Education Code, is amended to read as follows:

(b) The Central Education Agency shall:

(1) manage this program with adequate staffing to develop, administer, and support a comprehensive statewide adult education program and coordinate related federal and state programs for education and training of adults;

(2) develop, implement, and regulate a comprehensive statewide program for community level education services to meet the special needs of adults;

(3) develop the mechanism and guidelines for coordination of comprehensive adult education and related skill training services for adults with other agencies, both public and private, in planning, developing, and implementing related programs, including community education programs;

(4) administer all state and federal funds for adult education and related skill training in Texas, except funds provided for the work force development incentive program developed by the Texas Department of Commerce;

(5) prescribe and administer standards and accrediting policies for adult education;

(6) prescribe and administer rules and regulations for teacher certification for adult education; and

(7) accept and administer grants, gifts, services, and funds from available sources for use in adult education.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### **SENATE RULE 11.11 SUSPENDED**

On motion of Senator Parmer and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Intergovernmental Relations might consider **H.B. 2884** at 3:30 p.m. today.

#### **SENATE RULE 11.11 SUSPENDED**

On motion of Senator Brooks and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Health and Human Services might consider **H.B. 2169** today.

#### **SENATE COMMITTEES GRANTED PERMISSION TO MEET**

On motion of Senator Brooks and by unanimous consent, Senate Committees would be granted permission to meet while the Senate is in session this afternoon.

#### **RECESS**

On motion of Senator Brooks, the Senate at 1:17 p.m. took recess until 2:30 p.m. today.

#### **AFTER RECESS**

The Senate met at 2:30 p.m. and was called to order by Senator Washington.

#### **HOUSE BILL ON FIRST READING**

The following bill received from the House was read the first time and referred to the Committee indicated:

**H.B. 1458**, To Committee on Natural Resources.

**CONFERENCE COMMITTEE REPORT  
SENATE BILL 338**

Senator Caperton submitted the following Conference Committee Report:

Austin, Texas  
May 23, 1989

Honorable William P. Hobby  
President of the Senate

Honorable Gibson D. "Gib" Lewis  
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 338 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

CAPERTON  
JOHNSON  
MONTFORD  
McFARLAND  
WASHINGTON  
On the part of the Senate

RUDD  
WATKINS  
EARLEY  
DANBURG  
EVANS  
On the part of the House

**A BILL TO BE ENTITLED  
AN ACT**

relating to emergency appropriations.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

**SECTION 1. TEXAS DEPARTMENT OF COMMERCE.** In addition to amounts previously appropriated for the current fiscal biennium, for the period ending August 31, 1989, \$38 million is appropriated from the General Revenue Fund to the Texas Department of Commerce as part of the state program of economic development and diversification to be allocated to the Travis County Research and Development Authority for the purpose of redeeming bonds issued by the authority to finance improvements at a research and development facility in Travis County under the jurisdiction of the authority and paying associated expenses, costs, and fees. Any portion of this appropriation remaining after the redemption of the bonds and payment of all other associated expenses, costs, and fees shall be returned to the General Revenue Fund.

**SECTION 2. TEXAS DEPARTMENT OF COMMERCE.** (a) In addition to amounts previously appropriated for the current fiscal biennium, \$10 million is appropriated from the General Revenue Fund to the Texas Department of Commerce for a two-year period for the allocations described by Subsection (b) of this section. To the extent that federal funds or other available state funds are authorized or granted for expenditure for the same purposes, the department shall reduce the allocation of general revenue appropriated by this section in amounts necessary for the total state and federal contributions to the projects to equal \$10 million.

(b) From amounts available for the purpose, the Texas Department of Commerce shall allocate \$10 million as financial aid to the Calhoun County Navigation District for purposes of economic development through the permitting, design, and construction of public docks and bulkheads at the port of Port Lavaca, Point Comfort, in Calhoun County.

(c) The Calhoun County Navigation District may receive and expend the funds for the purposes described by Subsection (b) of this section regardless of whether the activity occurs before, on, or after the effective date of this Act.

SECTION 3. COMPTROLLER OF PUBLIC ACCOUNTS. (a) In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$24,258,054 is appropriated for the period ending August 31, 1989, from the General Revenue Fund to the 49 public junior and community colleges listed in Subsection (b) of this section for the payment of staff group insurance premiums.

(b) The comptroller of public accounts shall allocate the amount appropriated by Subsection (a) of this section among the following institutions according to the following percentages:

(1) Alamo Community College District	8.901
(2) Alvin Community College	1.415
(3) Amarillo College	2.630
(4) American Educational Complex	1.291
(5) Angelina College	0.735
(6) Austin Community College	3.673
(7) Bee County College	1.087
(8) Blinn College	1.334
(9) Brazosport College	0.853
(10) Cisco Junior College	0.600
(11) Clarendon College	0.352
(12) College of the Mainland	1.475
(13) Collin County Community College	1.523
(14) Cooke County College	0.702
(15) Dallas County Community College District	12.250
(16) Del Mar College	3.543
(17) El Paso Community College	4.337
(18) Frank Phillips College	0.448
(19) Galveston College	0.907
(20) Grayson County College	1.388
(21) Hill College	0.405
(22) Houston Community College	5.536
(23) Howard County Junior College	1.026
(24) Kilgore College	1.988
(25) Laredo Junior College	2.219
(26) Lee College	1.577
(27) McLennan Community College	2.101
(28) Midland College	1.140
(29) Navarro College	0.853
(30) North Harris County Community College	2.496
(31) Northeast Texas Community College	0.535
(32) Odessa College	2.225
(33) Panola College	0.551
(34) Paris Junior College	1.177
(35) Ranger Junior College	0.325
(36) San Jacinto College District	4.710
(37) South Plains College	1.788
(38) Southwest Texas Junior College	0.848
(39) Tarrant County Junior College District	6.800
(40) Temple Junior College	0.870
(41) Texarkana College	1.404
(42) Texas Southmost College	1.993
(43) Trinity Valley Community College	1.383

(44) Tyler Junior College	2.258
(45) Vernon Regional Junior College	0.762
(46) Victoria College	1.129
(47) Weatherford College	0.567
(48) Western Texas College	0.648
(49) Wharton County Junior College	1.242
	<u>100.000</u>

(c) If an institution uses any portion of the appropriation made by this section to pay group insurance premiums for an employee whose salary is paid from federal money, the institution shall apply for any legally available federal money to pay the premiums. If an institution receives money for insurance premiums from an application made under this subsection, the institution shall remit the money to the state treasurer for deposit in the General Revenue Fund. The state treasurer may require reports of applications and prescribe procedures for remittances under this subsection.

(d) If an institution uses local money or state appropriations, other than an appropriation made by this section, to pay staff group insurance premiums during the current fiscal biennium, the institution may use any portion of its appropriation made by this section that does not exceed the amount paid from other money for premiums to reimburse the appropriate local fund or appropriation account from which the premiums were paid. The comptroller of public accounts may prescribe procedures to be followed for this purpose.

**SECTION 4. NATIONAL RESEARCH LABORATORY COMMISSION.** In addition to amounts previously appropriated for the current fiscal biennium, for the period ending August 31, 1989, the sum of \$1,663,000 is appropriated from the General Revenue Fund to the National Research Laboratory Commission for the payment of operating expenses of the commission.

**SECTION 5. PUBLIC INTEGRITY UNIT IN TRAVIS COUNTY DISTRICT ATTORNEY'S OFFICE.** In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$480,509 is hereby appropriated for the period ending August 31, 1989, from the General Revenue Fund to the Public Integrity Unit in the District Attorney's Office of the 53rd Judicial District (Travis County) to be used for expenses related to the investigation and prosecution of motor fuels tax fraud.

**SECTION 6. PECOS RIVER COMPACT COMMISSION.** In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$105,750 is hereby appropriated for the period ending August 31, 1989, from the General Revenue Fund to the Pecos River Compact Commission for the payment of professional services performed in relation to the lawsuit Texas v. New Mexico, No. 65 Original, U.S. Supreme Court (95 S.Ct. 1652), according to the following schedule:

Supreme Court River Master	\$16,000
Supreme Court Special Master	39,750
Technical Experts	50,000

**SECTION 7. STATE BOARD OF DENTAL EXAMINERS.** In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$64,889 is appropriated from Dental Registration Fund 086 to the State Board of Dental Examiners to assist compliance and enforcement of the statutes regulating the practice of dentistry. The sum shall be allocated as follows: \$18,476 for the purpose of hiring a Hearing Examiner IV; \$7,913 for the purpose of hiring a Secretary III; \$20,000 for legal services; \$5,000 for court reporter fees; \$8,500 for travel related to legal services; and \$5,000 for capital outlay. None of the sums appropriated above may be used to pursue appeals from existing board orders or for per diem of board members.



SECTION 8. TARLETON STATE UNIVERSITY. In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$165,510 is appropriated for the period ending August 31, 1989, from the General Revenue Fund to Tarleton State University for the payment of expenses incurred in cleaning up, testing, repairing, and replacing facilities contaminated by polychlorinated biphenyls.

SECTION 9. TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION. (a) In addition to amounts previously appropriated for the current fiscal biennium, for the period ending August 31, 1989, \$75 million is appropriated from the General Revenue Fund to the Texas Department of Mental Health and Mental Retardation for complying with the RAJ and Lelsz court orders and for replacing funds transferred through the governor's budget execution authority.

(b) Notwithstanding Section 2.h., page II-76, and Section 24, Article V, page V-62, Chapter 78, Acts of the 70th Legislature, 2nd Called Session, 1987 (the current General Appropriations Act), the Texas Department of Mental Health and Mental Retardation is authorized to purchase real property and existing improvements thereon, purchase real property and construct improvements thereon, construct improvements on donated real property, renovate owned or leased improvements, or take any other actions the department determines to be necessary to develop the community-based facilities for difficult-to-place mentally retarded persons authorized by Rider 35(a), Texas Department of Mental Health and Mental Retardation, page II-57, Chapter 78, Acts of the 70th Legislature, 2nd Called Session, 1987 (the current General Appropriations Act).

SECTION 10. ATTORNEY GENERAL. Of the amounts appropriated or transferred to the Texas Department of Human Services for the current fiscal year for the purpose described by line item 1, page II-29, Chapter 78, Acts of the 70th Legislature, 2nd Called Session, 1987 (the current General Appropriations Act), the sum of \$8,705,928 is transferred and reappropriated for a two-year period to the attorney general for the payment of costs incurred in administering or operating the child support enforcement program.

SECTION 11. DEPARTMENT OF AGRICULTURE. In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$60,000 is appropriated for the period ending August 31, 1989, from the General Revenue Fund to the Department of Agriculture for the purpose of obtaining statistics regarding the production of agricultural commodities by county.

SECTION 12. STRUCTURAL PEST CONTROL BOARD. In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$76,000 is appropriated from the structural pest control fund for the purpose of allowing the agency to recover the cost of expenses already incurred in association with the transfer of lawn and ornamental pest control licensing duties from the Department of Agriculture.

SECTION 13. STATE PRESERVATION BOARD. In addition to amounts previously appropriated for the current fiscal biennium, the sum of \$7,400,000 is appropriated for a two-year period from the General Revenue Fund to the State Preservation Board for the payment of architectural and engineering fees and related miscellaneous costs of preparation for the restoration of the State Capitol and the General Land Office Building.

SECTION 14. CONTRACTS UNDER CERTAIN APPROPRIATIONS. (a) This section applies only to an appropriation made by this Act to the State Preservation Board. It is the intent of the legislature to eliminate any practices of the State Preservation Board that have had a discriminatory and disparate impact on minority and women-owned businesses. Prima facie evidence appears to find underutilization of minority and women-owned architectural and engineering

firms. As an initial remedy to address past practices a minimum procurement goal of 15 percent of all architectural and 15 percent of all engineering contracts shall be established for minority and women-owned businesses.

(b) In this section:

(1) "Minority business enterprise" means a business entity more than 50 percent of which is owned by minority group members or, in the case of a corporation, more than 50 percent of the shares of which are owned by minority group members and that:

(A) is managed and, in daily operations, controlled by minority group members; and

(B) is a domestic business entity with its home office located in this state.

(2) "Minority group members" include American Indians, Asian Americans, black Americans, and Mexican Americans and other Americans of Hispanic origin.

(3) "Women-owned business enterprise" means a business entity more than 50 percent of which is owned by women or, in the case of a corporation, more than 50 percent of the shares of which are owned by women and that:

(A) is managed and, in daily operations, controlled by women; and

(B) is a domestic business entity with its home office located in this state.

(c) It is the intent of the legislature that the State Preservation Board adopt statewide goals for the participation of minority business enterprises and women-owned business enterprises in the awarding of contracts for the purchase of supplies, materials, services, or equipment under an appropriation made by this Act to the board and that under those goals the board attempt to award to minority business enterprises and women-owned business enterprises not less than 15 percent each of architectural and engineering services of the total value of all contract awards under the appropriation made by this Act to the board so as to ensure nondiscrimination and ensure an opportunity of participation.

(d) This section is an expression of the intent of the legislature and does not impose a duty not provided for by general law or negate a power granted by general law.

SECTION 15. This Act is a General Appropriations Act for purposes of Article III, Section 39, of the Texas Constitution and takes effect immediately.

The Conference Committee Report was read and was filed with the Secretary of the Senate.

#### MEMORIAL RESOLUTIONS

H.C.R. 219 - (Carriker): In memory of Ed Daniel.

S.R. 715 - By Glasgow: In memory of Henry "Hank" Hood of Burleson.

S.R. 716 - By Glasgow: In memory of George W. King of Decatur.

S.R. 717 - By Glasgow: In memory of Joseph Chandler Pickard of Weatherford.

S.R. 718 - By Glasgow: In memory of Phillip Andrew Campbell of Hamilton.

S.R. 719 - By Glasgow: In memory of Belve Benton Bean of Comanche.

S.R. 720 - By Glasgow: In memory of J. M. McCroskey of Glen Rose.

S.R. 721 - By Glasgow: In memory of Milton Leon Broughton II of De Leon.

S.R. 722 - By Glasgow: In memory of Raymond R. Hardwick of Azle.

S.R. 723 - By Glasgow: In memory of William H. Scott of Granbury.

**S.R. 724** - By Glasgow: In memory of Carvel O. McMillan of Erath County.

### CONGRATULATORY RESOLUTIONS

**H.C.R. 287** - (Caperton): Recognizing April 23, 1989, as Chelsea Elizabeth Holman Day in Texas.

**S.R. 709** - By Uribe: Extending congratulations to the Lopez-Riggins Elementary School for receiving the 1989 Exemplary Enrichment Award.

**S.R. 710** - By Tejeda: Commending Miriam E. Christiansen on her outstanding contributions to education in the State of Texas.

**S.R. 711** - By Krier: Extending congratulations to the Churchill High School Chargers on winning the UIL Class 5A state soccer championship.

**S.R. 712** - By Barrientos: Recognizing and commending the efforts of the Vietnam Veterans' Bouldin Creek Park Foundation.

**S.R. 713** - By Barrientos: Expressing appreciation to Robert Parks for his contributions to his city and for making Kyle a better place in which to live.

**S.R. 714** - By Barrientos: Extending congratulations to David Isaac Cates for being honored as a national Presidential Scholar.

**S.R. 725** - By Glasgow: Commending Dr. E. M. Russell of Weatherford for his esteemed career in the field of medicine.

**S.R. 726** - By Brooks: Extending congratulations to Mrs. Marcelle League for receiving the 1989 Senior Citizen of the Year Award from Eagle End Center.

**S.R. 727** - By Truan: Extending congratulations to the Corpus Christi Veterans Band for being declared the official city band.

**S.R. 728** - By Krier: Commending the United States Marines who were injured in a recent helicopter crash in South Korea.

### ADJOURNMENT

On motion of Senator Brooks, the Senate at 2:32 p.m. adjourned, in memory of Paul Garton Blanton, until 10:00 a.m. tomorrow.

### APPENDIX

Filed with Secretary of State  
(May 23, 1989)

#### S.J.R. 44

Sent to Governor  
(May 23, 1989)

<b>S.B. 49</b>	<b>S.B. 594</b>	<b>S.B. 936</b>	<b>S.B. 1518</b>
<b>S.B. 52</b>	<b>S.B. 606</b>	<b>S.B. 1028</b>	<b>S.B. 1528</b>
<b>S.B. 58</b>	<b>S.B. 626</b>	<b>S.B. 1031</b>	<b>S.B. 1675</b>
<b>S.B. 149</b>	<b>S.B. 652</b>	<b>S.B. 1060</b>	<b>S.B. 1728</b>
<b>S.B. 188</b>	<b>S.B. 690</b>	<b>S.B. 1235</b>	<b>S.B. 1750</b>
<b>S.B. 351</b>	<b>S.B. 693</b>	<b>S.B. 1241</b>	<b>S.B. 1800</b>
<b>S.B. 432</b>	<b>S.B. 723</b>	<b>S.B. 1289</b>	<b>S.C.R. 25</b>
<b>S.B. 446</b>	<b>S.B. 737</b>	<b>S.B. 1307</b>	<b>S.C.R. 54</b>
<b>S.B. 497</b>	<b>S.B. 771</b>	<b>S.B. 1400</b>	<b>S.C.R. 118</b>
<b>S.B. 508</b>	<b>S.B. 800</b>	<b>S.B. 1461</b>	<b>S.C.R. 140</b>
<b>S.B. 589</b>	<b>S.B. 889</b>	<b>S.B. 1510</b>	<b>S.C.R. 154</b>